

on H. B. No. 373 at the earliest possible moment.

The House has adopted the Conference Committee report on H. B. No. 247 by a vote of 132 ayes, 0 noes.

The House has concurred in Senate amendments to H. B. No. 16 by a vote of 117 yeas, 0 noes.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### Report of Standing Committee

Senator Ramsey, by unanimous consent, submitted the following report at this time:

Austin, Texas,  
April 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 452, A bill to be entitled "An Act to permit the commissioners' court of any county to appropriate out of the general fund or any other available fund of the county funds for the administration of Child Welfare Boards and/or to provide services to and/or support of needy children; to provide also foster home care for children under certain circumstances; providing a repealing clause; providing a saving clause; and declaring an emergency."

Have had the same under consideration, and we desire to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

#### Report of Conference Committee on House Bill 76

Senator Van Zandt moved that the report of the Conference Committee on H. B. No. 76 (submitted on yesterday) be adopted at this time.

Senator Hazlewood submitted the following motion in writing:

I move as a substitute for the motion by Senator Van Zandt that the report of the Conference Committee on H. B. No. 76 be rejected, that a new Conference Committee be appointed and that the committee be instructed to retain in its report the amendment which was adopted by the Senate remitting penalties only.

HAZLEWOOD.

Senator Moore moved that the report be tabled.

Senator Moffett raised the point of order that a motion to table is not applicable to a report of a Conference Committee.

The President sustained the point of order.

#### Adjournment

Senator Lemens moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion to adjourn prevailed by the following vote:

#### Yeas—13

Aikin	Martin
Brownlee	Moffett
Chadick	Ramsey
Graves	Shivers
Hill	Stone
Isbell	Van Zandt
Lemens	

#### Nays—11

Formby	Smith
Hazlewood	Sulak
Lovelady	Vick
Mauritz	Winfield
Metcalf	York
Moore	

#### Absent

Beck	Kelley
Fain	Lanning

#### Absent—Excused

Cotten	Weinert
Spears	

The Senate, accordingly, at 5:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### SIXTY-SECOND DAY

(Thursday, May 1, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Formby
Beck	Graves
Brownlee	Hazlewood
Chadick	Hill
Fain	Isbell

Kelley	Ramsey
Lanning	Shivers
Lemens	Smith
Lovelady	Stone
Martin	Sulak
Mauritz	Van Zandt
Metcalfe	Vick
Moffett	Winfield
Moore	York

Absent—Excused

Cotten	Weinert
Spears	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leaves of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senator Cotten was granted leave of absence for today on account of illness, on motion of Senator Vick.

#### Senate Resolution 120

Senator Isbell offered the following resolution:

Whereas, On April 4, 1941, there was passed in the Senate, S. B. No. 20, which carried the provision of the appointment of the State Auditor and a Director of the Budget, and at the time of the passage of said S. B. No. 20, that Section relating to the Director of the Budget was stricken from the bill; and

Whereas, Said S. B. No. 20 is now in a Free Conference Committee for their consideration; and

Whereas, We deem it to the best interests of the State to create the office of Director of the Budget; therefore, be it

Resolved by the Senate of Texas, That we recommend to the Conference Committee now considering S. B. No. 20 that they take into consideration the reinstatement of the office of the Director of the Budget as originally outlined in S. B. No. 20.

The resolution was read.

On motion of Senator Aikin, the resolution was referred to the Committee on Finance.

#### Senate Concurrent Resolution 46

Senator Lovelady offered the following resolution:

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That the Senate recede from the amendments adopted by the Senate to H. B. No. 373, and declare said H. B. No. 373 to have passed the Senate in the same form in which it was received by the Senate from the House, and that the Enrolling Clerk of the House be instructed to enroll H. B. No. 373 in the form in which it passed the House.

LOVELADY,  
METCALFE.

The resolution was read and was adopted.

#### Senate Resolution 121

Senator Hazlewood offered the following resolution:

Whereas, Robert E. Underwood, a prominent citizen and outstanding public official from the City of Amarillo, Texas, is present in Austin and is now in the Capitol on this 1st day of May, 1941, observing the operations of government; now, therefore, be it

Resolved by the Senate of Texas, That there be extended to this visitor a cordial welcome to his Capitol and that the privileges of the floor be extended to him.

The resolution was read, and by unanimous consent, it was considered and adopted at this time.

#### Message from the House

The Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on S. B. No. 312. The following are conferees on the part of the House: Celaya, Benton, Halsey, Smith of Bastrop and Mills.

The House has granted the request of the Senate for the appointment of a Conference Committee to consider

the differences between the two Houses on S. B. No. 282. The following are conferees on the part of the House: Carrington, Stanford, Lansberry, Hughes and Lyle.

Respectfully submitted,  
E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Message from the Governor

The President laid before the Senate and had read the following message from the Governor:

Austin, Texas,  
April 30, 1941.

To the Members of the Forty-seventh Legislature:

An emergency has arisen in the Old Age Pension Division of the Department of Public Welfare which will cause the old age pension checks to be cut during the months of May, June, July and August of this year, unless some action is taken by the Legislature immediately.

I, therefore, urge that you provide funds immediately so that these pension checks will not have to be cut during this period of time. The revenue from the new tax bill is expected to take care of this matter after August of this year.

According to the figures furnished me by the Department of Public Welfare, the amounts needed to take care of this emergency are as follows:

May—One Hundred Seventy-five Thousand (\$175,000.00) Dollars;

June—Two Hundred Thirty-two Thousand (\$232,000) Dollars;

July—Two Hundred Forty-eight Thousand (\$248,000) Dollars;

August—Three Hundred Seventy-three Thousand (\$373,000) Dollars.

TOTAL—One Million Twenty-eight Thousand (\$1,028,000) Dollars.

I am submitting this as emergency legislation and trust you will give it your prompt and careful consideration.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

#### Senate Bill 447 on First Reading

The following bill was introduced at this time and was read and referred to the committee indicated:

By Senators Fain and Sulak:

S. B. No. 447, A bill to be entitled "An Act authorizing the State Treas-

urer to set aside certain monies from revenues to the credit of the State Department of Public Welfare Fund before said collected revenues are deposited to the General Revenue Fund; and declaring an emergency."

To Committee on Finance.

#### Senate Bill 448 on First Reading

Senator Aikin moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Weinert
Spears	

The following bill then was introduced, read first time and referred to the Committee on Finance.

By Senator Aikin:

S. B. No. 448, A bill to be entitled "An Act fixing and determining a method per capita appropriations for educational institutions of higher learning, and declaring the policy thereof; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings, and improvements of the several State Institutions of higher learning for the two fiscal years, beginning September 1, 1941, and ending August 31, 1943, both dates inclusive; and for certain other educational agencies of the State; prescribing certain restrictions concerning the expenditures of said appropriations; containing a savings clause; and declaring an emergency."

**House Concurrent Resolution 56**

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 56 at this time.

The President laid before the Senate for consideration at this time:

H. C. R. No. 56, Relative to appointment of committee to investigate the cost of fireproofing the Land Office Building.

The resolution was read and was adopted.

**Signing of Bills**

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

S. B. No. 209, A bill to be entitled "An Act to amend Section 19 of S. B. No. 111, Chapter 61, page 100, Acts Second Called Session of the Forty-first Legislature, and to add Section 38-c to Section 38, providing the manner in which building and loan associations organized under the laws of this State may make loans, advance credit and purchase obligations with respect to the buildings, making of alterations, repairs and improvements of residential properties in 'defense housing areas' when such loans and obligations are secured by a mortgage that is insured against loss by the Federal Housing Administrator under the National Housing Act, approved June 27th, 1934, as amended and as may hereafter be amended; providing that lease in effect creating a leasehold interest in such land and improvements thereon, which lease has a term of at least twenty (20) years to run from the date of the note; providing that no law of this State in conflict with the provisions of this Act shall be deemed to apply to loans, advances of credit, or purchase of obligations made pursuant to the authority granted under this Act, nor to the purchase of the fee simple title as provided herein; providing that the Banking Commissioner of Texas may prescribe additional regulations with respect to making loans, advancing of credit and the purchase of obligations, and real property, if, in his judgment, the protection of investors requires such additional regulations; providing for notice in such event; providing when

his regulations shall take effect, etc.; and declaring an emergency."

S. B. No. 417, A bill to be entitled "An Act to amend Article 637 of the Penal Code of Texas so that the same shall read as hereinafter stated, and providing for the destruction of gambling equipment and paraphernalia by order of the court and providing for the confiscation of property not gambling paraphernalia per se which is used as equipment or paraphernalia for a gambling house or which is used for gaming purposes, and providing for the delivery of such property to the State of Texas, or any political subdivision thereof, or to any State institution for its own use and benefit, by order of the court, and providing that an officer by his return shall show compliance with order of the court; etc.; and declaring an emergency."

S. B. No. 420, A bill to be entitled "An Act amending Article 2338, Revised Civil Statutes of Texas, 1925, to make its provisions applicable where a child has been adjudged a delinquent child; repealing laws in conflict and where not in conflict, making this Act cumulative; and declaring an emergency."

H. B. No. 10, A bill to be entitled "An Act amending Article 349, of the Penal Code of the State of Texas; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 16, A bill to be entitled "An Act amending subdivision 83 of Article 1302, Title 32, Chapter 1, of the Revised Civil Statutes of the State of Texas, 1925, relating to the formation of private corporations to organize laborers, working men, and wage earners, to protect themselves in their various pursuits; vesting authority in the Commissioner of Labor Statistics to make investigation for charters and amendments to charters for such purposes; and declaring an emergency."

H. B. No. 146, A bill to be entitled "An Act authorizing the commissioners' court in all counties in the State of Texas to appropriate from the General Fund not more than five (5) cents on the One Hundred (\$100.00) Dollars assessed valuation, for the purpose of advertising and promoting the growth and development of the counties, and providing for an election authorizing such appropriation; etc."

H. B. No. 439, A bill to be entitled "An Act providing a closed season on wild deer and wild turkey in Williamson County, Texas; and providing penalties for the violation of this Act."

H. B. No. 757, A bill to be entitled "An Act creating a special road law for Hartley County, Texas; etc."

#### Concurrence in House Amendments to Senate Bill 11

Senator Martin called S. B. No. 11 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments to the bill by the following vote:

Yeas—28

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten                      Spears

#### Reports of Standing Committee

Senator Smith, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 355, A bill to be entitled "An Act making it unlawful for any person to place, set, use, drag, or have in possession any seine, net, or

other device for catching fish, with certain exceptions, in or on certain portions of the waters of Corpus Christi Bay, and any of the waters of Red Fish Bay in Nueces County; etc.; and declaring an emergency."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 682, A bill to be entitled "An Act providing that it shall be unlawful for any person to take, catch, ensnare, or trap any fish by any means whatsoever in any waters of any public park under the control of the Texas State Parks Board, without the consent of the keeper, caretaker, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMITH, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 954, A bill to be entitled "An Act amending H. B. No. 884 of the Forty-sixth Legislature as amended by H. B. No. 1109 of the Forty-sixth Legislature so as to add thereto a new Section to be known as Section 1a, following Section 1 thereof, to provide that it shall be lawful to take, capture, shoot, or kill collared peccary or javelina in the counties of Webb, Starr and Zapata at this time, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

**Message from the House**

The Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 620, A bill to be entitled "An Act amending Section 2 of Chapter 5, Acts, Second Called Session of the Forty-third Legislature, as amended by Chapter 459, Acts, Second Called Session of the Forty-fourth Legislature; and declaring an emergency."

H. C. R. No. 106, Granting an easement for street, boulevard, and highway purposes to the City of Austin.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

**House Bill 238 on Passage to  
Third Reading**

The President laid before the Senate, as unfinished business, on its passage to third reading (the bill having been read second time on yesterday):

H. B. No. 238, A bill to be entitled "An Act amending Chapter 13, Acts, Third Called Session of the Forty-second Legislature, as amended, declaring the policy of the State with reference to financing the constructing of county lateral roads; defining certain terms used throughout the Act; creating the Board of County and District Road Indebtedness, and prescribing the powers, duties, and obligations of said Board; etc.; and declaring an emergency."

Question—Shall the bill be passed to third reading?

**Message from the House**

A clerk from the House was announced and was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has passed the following bills and resolution:

H. C. R. No. 110, Authorizing the Enrolling Clerk to make certain corrections in H. B. No. 8.

H. B. No. 115, A bill to be entitled "An Act to amend Title 15, Chapter 14 of the Penal Code of Texas, 1925, relating to the offense of negligent homicide, by inserting in the Penal Code a new article defining the offense of negligent homicide by motor vehicle or motorcycle, and fixing the punishment therefor, and providing that it shall not be necessary in any indictment, information, or complaint hereunder to set out and enumerate any specific acts of negligence, and repealing Articles 1230, 1231, 1235, 1237, 1238, 1239, 1240, 1242, and 1243 of the Penal Code of Texas, 1925, in so far as the same may be in conflict herewith, but not otherwise; and declaring an emergency."

H. B. No. 331, A bill to be entitled "An Act amending H. B. No. 1032 of the Regular Session of the Forty-sixth Legislature, Acts 1939, Chapter 15, page 652, so as to exclude independent school districts and common school districts from the operation thereof; and declaring an emergency."

H. B. No. 543, A bill to be entitled "An Act authorizing the State Forester to designate certain of his employees as peace officers; and declaring an emergency."

H. B. No. 564, A bill to be entitled "An Act to authorize the State Treasurer and the State Comptroller to transfer certain moneys from the General Fund and the Available School Fund to the Board of Insurance Commissioners Suspense Account; and declaring an emergency."

H. B. No. 633, A bill to be entitled "An Act amending Article 7212, Revised Civil Statutes of Texas, 1925, providing that when the commissioners' court shall contract with an individual, firm, or corporation for the compilation of taxation data, the compensation of such individual, firm, or corporation shall be paid on a pro rata basis from each fund benefiting by the receipt of any taxes derived from such valuation; and declaring an emergency."

H. B. No. 663, A bill to be entitled "An Act to amend an Act for the promotion, protection and development of the Commercial Potato

Growing Industry of Texas, same being S. B. No. 158 of the Acts of the Second Called Session of the Forty-first Legislature, and being Article 117A of Title 4, Chapter 6, Vernon's Annotated Statutes of Texas, 1925, by amending Section 3 of said Act to make the provisions thereof applicable to 'commercial quantities' of potatoes and defining the term 'commercial quantities' as used therein; and declaring an emergency."

H. B. No. 674, A bill to be entitled "An Act making it unlawful to take any wild fox in the County of Brazos for the purpose of sale; prescribing certain exceptions thereto; repealing all laws or parts of laws in conflict with the provisions of this Act; prescribing the penalties for the violation of this Act; and declaring an emergency."

H. B. No. 718, A bill to be entitled "An Act to be known as Article 7930-3, Revised Civil Statutes of Texas, 1925, and being an amendment to Chapter 4, Title 128, Revised Civil Statutes of Texas, 1925, and to provide for elections upon the question of exclusion of lands from water districts created under Chapter 4, Title 128, where the lands to be excluded have theretofore been annexed to a city or town, providing as one of its functions the same services authorized by law to be provided by such water district, but such election and such exclusion not to affect the liability of such excluded property for its just portion of any indebtedness theretofore assumed and fixed by such water district, providing for an equitable apportionment of indebtedness; and declaring an emergency."

H. B. No. 773, A bill to be entitled "An Act authorizing the Board of Directors of Texas Technological College to purchase insurance on the contents of the book store located on the campus of the college, and on the building and contents of the R. O. T. C. Building located on the campus of the college, and on the building and contents of the N. Y. A. Cooperative Dormitory Building located on the campus of the college; authorizing the payment of the necessary insurance premiums out of the local funds of the college and appropriating sufficient funds of money therefrom to pay same; and declaring an emergency."

H. B. No. 819, A bill to be entitled "An Act providing for the transfer of title of certain lands to Refugio and Aransas Counties, said land consisting of three adjoining tracts lying under, along and adjacent to a proposed causeway and approaches across Copano Bay in Refugio and Aransas Counties near the town of Bayside."

H. B. No. 821, A bill to be entitled "An Act to amend Rules 36a and 37a of Article 44'7 of the Revised Statutes of the State of Texas, relative to the registration of births and deaths; and declaring an emergency."

H. B. No. 822, A bill to be entitled "An Act to amend Subdivision 70, of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, 1925, amended by Acts 1927, Fortieth Legislature, Regular Session, page 134, Chapter 87, Section 1, amended by Acts 1929, Forty-first Legislature, Regular Session, page 50, Chapter 19, Section 1, amended by Acts 1933, Forty-third Legislature, Regular Session, page 371, Chapter 145, Section 2, Acts 1935, Forty-fourth Legislature, Regular Session, page 150, Chapter 63, Section 1, so as to change the time and terms of holding the terms of District Court in Martin, Howard, Midland, Ector and Glasscock Counties, constituting the Seventieth Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next terms of court in said counties and district, as herein fixed; to validate the summoning of grand and petit juries under the present law so as to render them available in said counties under this Act; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 832, A bill to be entitled "An Act amending Article 2370, Revised Statutes of 1925, by providing that the commissioners' court of any county may, when necessary, furnish suitable quarters, other than the court house, for holding court and carrying on other public business and may rent such part of any such quarters not necessary for public use; authorizing the commissioners' court, where any such building is used partly for public and partly for private purposes, to issue securities for certain purposes and to pledge

the net revenues derived from such renting; setting forth the terms and provisions of such pledge and of any such securities and making applicable to such securities the bond and warrant law of 1931, as amended, with certain exceptions; and declaring an emergency."

H. B. No. 840, A bill to be entitled "An Act providing for the establishment, erection, equipping, operation and maintenance of hospitals by certain counties and cities, for the levying of a direct tax therefor, and for the issuance and payment of bonds for such purposes; further providing for the leasing of such hospital; and declaring an emergency."

H. B. No. 845, A bill to be entitled "An Act to amend Article 2465, Revised Civil Statutes of 1925, as amended by Acts of the Forty-first Legislature, Regular Session, 1929, Chapter 17, page 46, Section 1, as amended by Acts of the Forty-first Legislature, Second Called Session, page 168, Chapter 85, Section 1, providing for books and records to be kept by credit unions, for supervision and examination of credit unions by some competent person or persons designated by the State Banking Commissioner, by one or more credit union examiners appointed by the Banking Commissioner, or by certain employees of the Banking Department; and providing for salaries and expense accounts for such person or persons; fixing maximum fees to be charged for such services and a method for handling such moneys collected from the credit unions; and declaring an emergency."

H. B. No. 858, A bill to be entitled "An Act operative only in counties of 60,000 population or more according to the latest Federal Census; authorizing cities and towns that have issued bonds, warrants, notes or other obligations payable from revenues of the water systems and/or sewer systems and/or sewage disposal plants to issue new bonds of such cities or towns payable from the net revenues of the water systems and/or sewer systems and/or sewage disposal plants for the purpose of refunding such outstanding bonds, warrants, notes or other obligations and for the purpose of further building, improving, enlarging, extending and/or repairing such systems and to pledge the net revenues

thereof to pay the interest on and principal of such refunding and further construction bonds, and authorizing the governing body of such city or town to mortgage and encumber the physical properties of such systems for that purpose and to grant a franchise to the purchaser under foreclosure to operate such system or systems for a period of not exceeding twenty years after purchase, subject to all the laws regulating the same then in force; etc.; and declaring an emergency."

H. B. No. 860, A bill to be entitled "An Act prescribing the method for the annexation of unoccupied territory contiguous and adjacent to the city limits of certain incorporated cities or towns, on petition of the owners of all such territory; providing for the recording of such petitions; and declaring an emergency."

H. B. No. 861, A bill to be entitled "An Act to amend Subdivision 106 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the length of the terms of District Court and the time of holding the terms of District Court in Terry, Lynn, Garza, Dawson, Gaines and Yoakum Counties, constituting the One Hundred and Sixth Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next terms of court in said counties and district, as herein fixed; to validate the summoning of grand and petit juries under the present law so as to render them available in said counties under this Act."

H. B. No. 862, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas for current expenses, for support of public free schools and for interest and sinking funds to pay bonded obligations heretofore authorized by the electorate, which levies are void and unenforceable because the governing bodies of such cities and towns failed to make such levies by formal ordinance or made the levies prior to final approval of the annual budget, or because the levies were made and adopted without the tax rolls being actually before such governing bodies, and making all such levies enforceable under this Act as though adopted originally

by ordinance in strict compliance with all requirements of law; provided this Act shall not apply to levies the validity of which has been attacked by litigation pending in court on effective date of this Act; and declaring an emergency."

H. B. No. 863, A bill to be entitled "An Act providing for the location of grave yards or cemeteries, providing for the removal of bodies, and providing for the abatement of nuisances in all counties in this State with a population of 525,000 or more, according to the last preceding Federal Census; and declaring an emergency."

H. B. No. 866, A bill to be entitled "An Act making an appropriation out of the State Highway Fund for refunding donations made for the purpose of making surveys and investigation on Highway No. 22, and which work was never accomplished; and declaring an emergency."

H. B. No. 871, A bill to be entitled "An Act granting consent by the State of Texas to Walter Garrison, Burt C. Cromwell and his wife, Lucille Cromwell, their heirs, executors and administrators, to file suit against the State of Texas and/or County of San Patricio and/or State Highway Department of Texas in the District Court of San Patricio County, Texas; and to impose liability on the State of Texas for the negligence of its agents, officers or representatives for damages proximately caused by such negligence to the above named claimants, growing out of an automobile accident on the public highway running from Sinton to Taft, Texas, and providing for process in such suit upon the Attorney General of Texas, and any judgment to be paid out of the State Highway Fund and from the monies received from motor vehicle registration fees; providing further that the invalidity of one part of the Act should not render invalid other provisions; and declaring an emergency."

H. B. No. 876, A bill to be entitled "An Act repealing Article 500 of the Revised Statutes of Texas, 1925."

H. B. No. 877, A bill to be entitled "An Act repealing Article 501 of the Revised Statutes of Texas, 1925."

H. B. No. 878, A bill to be entitled "An Act amending Article 502 of the Revised Statutes of Texas, 1925, providing the method of conversion

of State banking corporations into National banking corporations, and validating purported conversions of National banking corporations under prior law; and declaring an emergency."

H. B. No. 879, A bill to be entitled "An Act to amend H. B. No. 546, Acts of the Fortieth Legislature, 1927, page 289, Chapter 202, Section 1, providing for the amendment of the charter of corporations organized under the provisions of Title 16, of the Revised Statutes of Texas, 1925, for the purpose of increasing or decreasing capital stock, to change name, to adopt trust powers and for any other lawful purpose, including the extension of time of corporate existence for a period of not exceeding fifty years from the effective date of amendment, and providing for the adoption of the powers of commercial banks and banks and trust companies by Morris Plan Banks through amendment of its charter; and declaring an emergency."

H. B. No. 880, A bill to be entitled "An Act providing for the preservation of bank examiners' reports and correspondence files and for the preservation of the books, records and files of insolvent banks, and further providing for the destruction of such reports and correspondence and sale or destruction of such books, records and files of insolvent banks; and declaring an emergency."

H. B. No. 882, A bill to be entitled "An Act providing that it shall not be unlawful for any person to catch, trap, shoot, or kill any wild fox in Robertson County, Texas, but making it a misdemeanor to sell or offer to sell the pelt or pelts thereof and providing a penalty; providing that it shall not be unlawful for any person to shoot, kill, or to set a steel trap, snare, or deadfall for the purpose of taking any other fur-bearing animal in Robertson County, Texas; nor to sell the pel or pelts thereof; making the provisions of this law cumulative of all general laws on the subject not in conflict herewith and repealing all laws in conflict with the provisions of this Act; and declaring an emergency."

H. B. No. 889, A bill to be entitled "An Act authorizing the commissioners' court on any county having a population of not less than twenty thousand, five hundred and fifty-six (20,556) and not more than twenty thousand five hundred and fifty-eight

(20,558), according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling in connection with the use of his automobile on official business; requiring each such commissioner to pay the expense of operation and repair of such automobile so used by him without further expense to the county; and declaring an emergency."

H. B. No. 894, A bill to be entitled "An Act defining the jurisdiction of the County Court of Navarro County and diminishing its civil jurisdiction; providing that the District Court of Navarro County shall have jurisdiction in all civil matters over which by law the county court would have original jurisdiction; providing for the transfer of certain civil causes from the County Court to the District Court of Navarro County; providing the Act shall not affect judgments heretofore rendered by said county court in causes now transferred to the district court of said county; providing for the repeal of all laws in conflict therewith."

H. B. No. 897, A bill to be entitled "An Act authorizing the commissioners' court in certain counties to allow each county commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as county commissioner; providing for the payment of the same; and declaring an emergency."

H. B. No. 899, A bill to be entitled "An Act to provide for traveling expenses for members of the commissioners' courts to certain counties; and declaring an emergency."

H. B. No. 900, A bill to be entitled "An Act to amend S. B. No. 220, Chapter 354, Acts of the Regular Session of the Forty-second Legislature, page 844, by adding a new Section thereto to be known as Section 3a following Section 3, so as to authorize expenses in the investigation of crime and an allowance of four (4c) cents a mile for each mile traveled, to the criminal district attorney in counties operating under such Act; providing that such expenses shall be paid by the commissioners' court as other expenses are paid; and declaring an emergency."

H. B. No. 901, A bill to be entitled "An Act making it unlawful to offer for sale eggs which have been placed

in an incubator for hatchery purposes without labeling such eggs as 'incubator eggs'; and declaring an emergency."

H. B. No. 902, A bill to be entitled "An Act amending Section 17a of Chapter 280, Acts of the Regular Session of the Forty-first Legislature, amending Chapter 25, Acts of the Regular Session of the Thirty-ninth Legislature; providing that water control and improvement districts may purchase, own and operate fire engines and all necessary fire-fighting equipment and appliances; validating all purchases of fire engines, equipment and appliances heretofore made by water control and improvement districts; providing that nothing in this Act shall amend, alter, repeal or modify S. B. No. 299 or S. B. No. 300, Acts Regular Session, Forty-seventh Legislature; and declaring an emergency."

H. B. No. 903, A bill to be entitled "An Act prescribing the manner of taking fish in Marshall Ford Lake in Burnet County and the Colorado River to the headwaters of Marble Falls Lake in Burnet County; prescribing a penalty for a violation of this Act; repealing all laws in conflict with this Act; and declaring an emergency."

H. B. No. 905, A bill to be entitled "An Act fixing the compensation of sheriffs in all counties of the State of Texas having a population of not less than twenty-five thousand, five hundred and forty (25,540) and not more than twenty-six thousand and fifty (26,050), according to the last Federal Census, in which there are no district attorneys; providing for the appointment by such sheriffs of such counties of at least one (1) special deputy sheriff and one (1) deputy sheriff; prescribing the powers and duties of such deputies; fixing the compensation therefor; providing mode and manner of payment of such salaries; providing that this Act shall be cumulative of all other Acts not in conflict herewith; repealing all laws and parts of laws in conflict to the extent of the conflict only; and declaring an emergency."

H. B. No. 910, A bill to be entitled "An Act to amend Chapter 166 of the Acts of the Regular Session of the Forty-fourth Legislature, appearing as Article 7246A of Vernon's Civil Statutes, so that the same shall read and provide as hereinafter shown,

that is as the same now reads, and by adding a Section thereto fixing the authority and duties, in certain enumerated cases, of assessors and collectors of taxes in counties having a population of more than five hundred thousand (500,000) inhabitants according to the last preceding or any future Federal Census, by authorizing the making of certain oaths and affidavits before such assessors and collectors of taxes and their deputies; providing for the issuance of certain receipts or certificates by such assessors and collectors of taxes and their deputies, fixing fees for all such acts, providing that such fees shall be fees of office and accounted for as such; and declaring an emergency."

H. B. No. 914, A bill to be entitled "An Act to amend an Act of the Forty-fourth Legislature, creating a Special Road Law for Childress County, Texas, being Chapter 435, of the General and Special Laws passed by the Forty-fourth Legislature, at its Second Called Session in 1935, by adding thereto four new Sections, authorizing Childress County to fund or refund the warrant indebtedness outstanding against its Road and Bridge Fund as of April 10, 1941, by the issuance of refunding bonds, and setting forth the method of operation; validating all acts of the commissioners' court and of the county officials in authorizing, executing, and delivering said warrants; providing that this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 920, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than twenty-nine thousand, seven hundred and sixty (29,760) and not more than twenty-nine thousand, nine hundred and sixty (29,960) inhabitants, according to the last preceding Federal Census, to lease any county hospital belonging to said county, and providing for the terms of said lease; and declaring an emergency."

H. B. No. 923, A bill to be entitled "An Act amending Article 3259 of the Revised Civil Statutes of Texas; of 1925; as amended by Acts 1939,

Chapter 1, page 429, H. B. No. 539, relating to Wacc State Home, by changing the maximum number of children that may be boarded, at any given time, to twenty (20) such children; emergency clause."

H. B. No. 925, A bill to be entitled "An Act declaring an open season on killing the Golden Eagle or Mexican Brown Eagle in the State of Texas; and declaring an emergency."

H. B. No. 928, A bill to be entitled "An Act amending Section 4 of Chapter 290, Acts of the Forty-first Legislature, as amended by Section 1, Chapter 130, Acts of the Forty-fifth Legislature, so as to provide for a separate Board of Trustees for all Municipal Colleges in the State of Texas, organized prior to the year 1923, and providing the method of electing said board of trustees and providing for the powers and duties of said board; repealing all laws in conflict therewith; and declaring an emergency."

H. B. No. 931, A bill to be entitled "An Act declaring it unlawful for any person to kill, take, or have in his possession for purpose of sale in Angelina and Taylor Counties any wild fox or the pelts thereof, providing that this law shall be enforced for a period of two (2) years; providing various exemptions and exceptions; prescribing a penalty for the violation of this Act; repealing all laws in conflict; and declaring an emergency."

H. B. No. 933, A bill to be entitled "An Act to prohibit the use in Fort Phantom Hill Lake of Jones and Taylor Counties of certain devices for catching fish; to limit the size and number of fish to be caught; to prohibit the taking of any fresh water fish during the months of February, March or April to prohibit the taking of any catfish during the months of March, April, May and June; to regulate the taking of minnows; providing a penalty; and declaring an emergency."

H. B. No. 939, A bill to be entitled "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas operating under the provisions of the General Laws of Texas and having a population of more than five thousand (5,000) in the issuance and sale of bonds, to aid in financing certain public improve-

ments for which a loan or grant has been made by any agent or agency of the United States Government, including election orders, notices of elections, returns of elections, and orders canvassing election returns, including among others, instances wherein there have been irregularities in the giving of notice of elections, notwithstanding the fact that the notice of election was not published on the same day in each of two successive weeks; validating such bonds and the tax levies made for the payment of such bonds; providing the provisions hereof shall not apply to any such proceedings or obligations the validity of which has been contested in any pending suit or litigation; and declaring an emergency."

H. B. No. 946, A bill to be entitled "An Act creating a Special Road Law for Crosby County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of April 10th, 1941, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, or time warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; validating all acts of the commissioners' court and of the county officials of said county in issuing said scrip or warrants; validating said scrip or warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said county when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

H. B. No. 947, A bill to be entitled "An Act creating a special road law for Yoakum County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 12th day of May, 1941; setting forth the method of funding or refunding; validating all acts of the commissioners' court in issuing said scrip and time warrants; validating said scrip and time warrants; providing that the General Laws of the State of Texas shall be applicable to Yoakum County when not in conflict herewith; providing this Act shall

be cumulative of all General and Special Laws not in conflict herewith; providing a saving clause; and declaring an emergency."

H. B. No. 953, A bill to be entitled "An Act amending Chapter 76, passed at the First Called Session of the Forty-third Legislature; and declaring an emergency."

H. B. No. 956, A bill to be entitled "An Act amending Chapter 7, Title 93, of the Revised Civil Statutes of Texas, as amended, by adding a new article to be numbered Article 5708a, providing for the appointment of county sealers and deputy county sealers of weights and measures, at the discretion of the commissioners' court, in any county having a population of not less than 69,000 and not more than 70,000 according to the last or any succeeding United States Census; providing that the salaries for such county sealers and deputy sealers shall be set by the commissioners' court and not to be less than \$1,500 a year; providing that no fee shall be charged by such sealers or by the county, defining the authority, duties and responsibilities of such county sealers and deputies; providing that two or more counties, or a county and a city situated therein, may combine the whole or any part of their district, for the purpose of appointing one sealer, upon the written consent of the Commissioner of Agriculture; and declaring an emergency."

H. B. No. 957, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts having a scholastic population, according to the 1940-1941 scholastic census, of not less than 775 and not more than 785 approved scholastics, whether such school district is organized under general or special law; provided, that no such tax shall be levied, collected, abrogated, diminished, or increased, and no bonds shall be issued hereunder, until such action has been authorized by a majority of the votes cast at an election held for such purpose; prescribing the qualifications of voters eligible to vote in such election; and declaring an emergency."

H. B. No. 958, A bill to be entitled "An Act conferring upon the Board of Directors of the Agricultural and Mechanical College of Texas the power of eminent domain to acquire

land for the use of the college; and declaring an emergency."

H. B. No. 959, A bill to be entitled "An Act authorizing the commissioners' court in Jackson County to allow each county commissioner certain expenses in connection with the performance of the duties as road commissioner in addition to the duties as county commissioner; providing for the payment of the same; and declaring an emergency."

H. B. No. 960, A bill to be entitled "An Act authorizing the commissioners' court in all counties having a population of not less than thirty-seven thousand, five hundred (37,500) and not more than thirty-eight thousand, two hundred and fifty (38,250), according to the last preceding Federal Census, to allow each county commissioner certain traveling expenses while traveling on official business; and declaring an emergency."

H. B. No. 974, A bill to be entitled "An Act to amend Section 18, Chapter 41, Acts of the Fortieth Legislature, First Called Session, as amended by Section 2 of H. B. No. 614, Acts of the Regular Session of the Forty-sixth Legislature, to provide that any citizen of Texas wishing to file the record of any birth, not previously registered, may submit such record to the probate court in the county where such person resides rather than where the birth occurred, as now required; and declaring an emergency."

H. B. No. 975, A bill to be entitled "An Act for the purpose of better conserving the game and fish resources of Aransas County by providing for the closure of a certain area in Aransas Bay to the use of the oyster dredge, making it unlawful to dredge in such area; and declaring an emergency."

H. B. No. 978, A bill to be entitled "An Act repealing H. B. No. 386 of the Regular Session of the Forty-Seventh Legislature; amending Section 3 of H. B. No. 12 of the Second Called Session of the Forty-second Legislature so as to permit fishing for certain species of fish in McLennan County during the month of February of any year; repealing all laws or parts of laws in conflict with the provisions of this Act; and declaring an emergency."

H. B. No. 980, A bill to be entitled "An Act to amend Article 880 of the

Penal Code of the State of Texas, as amended by Chapter 47, Acts of the Second Called Session of the Forty-fifth Legislature; and declaring an emergency."

Respectfully submitted,

L. R. LINDLEY,  
Chief Clerk, House of Representatives.

### Recess

On motion of Senator Fain, the Senate, at 12:00 o'clock noon, took recess to 2:00 o'clock p. m. today.

### Afternoon Session

The Senate met at 2:00 o'clock p. m., and was called to order by the President.

### Senate Bill 449 on First Reading

By unanimous consent, the following bill was introduced, read first time, and was referred to the Committee on Counties and County Boundaries:

By Senator Moore:

S. B. No. 449, A bill to be entitled "An Act providing, in counties having a population of more than five hundred thousand (500,000), for the extension for not to exceed thirty (30) days after the expiration of the term, of the period during which a grand jury may sit to conclude its investigation; and declaring an emergency."

### Reports of Standing Committees

Senator Weinert, by unanimous consent, submitted the following report:

Committee Room,  
Austin, Texas,  
April 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 955, A bill to be entitled "An Act prescribing the method for the annexation of unoccupied territory contiguous and adjacent to the city limits of certain incorporated cities and towns on petition of the owners of all such territory; providing for the recording of such petitions; and declaring an emergency."

Have had the same under consideration, and are instructed to report it back to the Senate with the recom-

mentation that it do pass and be not printed.

WEINERT, Chairman.

Senator Aikin, by unanimous consent, submitted the following report:

Senate Chamber,  
Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 449, A bill to be entitled "An Act providing, in counties having a population of more than five hundred thousand (500,000) for the extension for not to exceed thirty (30) days after the expiration of the term, of the period during which a grand jury may sit to conclude its investigation; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Vice-Chairman.

Senator Ramsey, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 795, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than one hundred and two thousand (102,000) and not more than one hundred and ten thousand (110,000) according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

RAMSEY, Chairman.

### Senate Bill 449 on Second Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 449 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten Spears

The bill was read second time and was passed to engrossment.

### Senate Bill 449 on Third Reading

The President then laid S. B. No. 449 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten Spears

**House Bill 498 on Second Reading**

On motion of Senator York and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 498 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 498, A bill to be entitled "An Act declaring it unlawful for any person to kill, take, or have in his possession for barter or sale after the passage of this Act, for a period of five (5) years, any wild fox or the pelts thereof in the County of Bastrop, State of Texas; and providing a penalty therefor."

The bill was read second time and was passed to third reading.

**House Bill 498 on Third Reading**

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 498 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten                      Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Fain
Beck	Formby
Brownlee	Graves
Chadick	Hazlewood

Hill	Ramsey
Isbell	Shivers
Kelley	Smith
Lanning	Stone
Lemens	Sulak
Lovelady	Van Zandt
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield
Moffett	York
Moore	

Absent—Excused

Cotten                      Spears

**House Bill 823 on Second Reading**

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 823 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 823, A bill to be entitled "An Act amending Chapter 6, Acts of the Thirty-sixth Legislature, First Called Session, to provide that county attorneys of the Sixth Judicial District of Texas, composed of Fannin and Lamar Counties, may each employ a stenographer by and with the consent of the commissioners' court of his respective county, with a salary payable from county funds as fixed by order of the court; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 823 on Third Reading**

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 823 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lanning
Beck	Lemens
Brownlee	Lovelady
Chadick	Martin
Fain	Mauritz
Formby	Metcalf
Graves	Moffett
Hazlewood	Moore
Hill	Ramsey
Isbell	Shivers
Kelley	Smith

Stone	Weinert
Sulak	Winfield
Van Zandt	York
Vick	

Absent—Excused

Cotten	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
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**House Bill 865 on Second Reading**

On motion of Senator Chadick and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 865 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 865, A bill to be entitled "An Act to amend Section 1 of H. B. No. 556, Chapter 59, Acts of the Regular Session of the Forty-fourth Legislature, page 145, so as to change the time of holding the terms of the District Court in the 86th Judicial District composed of Van Zandt, Kaufman and Rockwall Counties; and prescribing the effective date of this Act."

The bill was read second time and was passed to third reading.

**House Bill 865 on Third Reading**

Senator Chadick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 865 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
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**House Bill 736 on Second Reading**

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 736 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 736, A bill to be entitled "An Act prescribing the duties of the

county treasurer in certain counties, and providing for his compensation."

The bill was read second time and was passed to third reading.

#### House Bill 736 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 736 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten                      Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten                      Spears

#### House Bill 868 on Second Reading

On motion of Senator Stone and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 868 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 868, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than twenty-seven thousand fifty-nine (27,059), and not more than twenty-seven thousand one hundred fifty (27,150), according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling, providing for the purchase of automobiles by the county for the use of the county commissioners on official business, providing for the method of purchase; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 868 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 868 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten                      Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

## Absent—Excused

Cotten

Spears

## House Bill 869 on Second Reading

On motion of Senator Stone and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 869 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 869, A bill to be entitled "An Act authorizing the commissioners' court of any county having a population of not less than twenty thousand and fifty (20,050) and not more than twenty thousand, one hundred and fifty (20,150), according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling in connection with the use of his automobile on official business; requiring each such commissioner to pay the expense of operation and repair of such automobile so used by him without further expense to the county; and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 869 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 869 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

## Absent—Excused

Cotten

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

## Absent—Excused

Cotten

Spears

## House Bill 795 on Second Reading

On motion of Senator Kelley and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 795 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 795, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than one hundred two thousand (102,000), or more

than one hundred ten thousand (110,000), according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business; requiring each such commissioner to pay the expense of operation and repair of such automobile so used by him without further expense to the county; and declaring an emergency."

The bill was read second time.

Senator Kelley offered the following amendments to the bill:

(1)

Amend H. B. No. 759 by striking out all above the enacting clause and substituting in lieu thereof the following:

"A bill to be entitled

"An Act authorizing the commissioners' court in any county having a population of not less than eighty-three thousand (83,000) and not more than one hundred thirty-two thousand (132,000) according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business; requiring each such commissioner to pay the expense of operation and repair of such automobile so used by him without further expense to the county; and declaring an emergency."

(2)

Amend H. B. No. 795 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. In any county in this State having a population of not less than eighty-three thousand (83,000) and not more than one hundred thirty-two thousand (132,000) according to the last preceding Federal Census, the commissioners' court is hereby authorized to allow each commissioner the sum of Fifty (\$50.00) Dollars per month for traveling expenses and depreciation on his automobile while on official business.

"Sec. 2. Each such commissioner shall pay all expenses in the operation of such automobile and keep same in repair free of any other charge to the county.

Sec. 3. The fact that in the class of counties affected by this Act there

is a great need that the county pay the expenses of the county commissioners as provided for in this Act on account of large bond issues voted and sold for road and bridge purposes, thus greatly increasing the necessity of such county commissioners traveling from place to place, creates an emergency and an imperative public necessity demanding that the constitutional rule, requiring bills to be read on three several days in each House, be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendments were adopted severally.

The bill was passed to third reading.

### House Bill 795 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 795 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Fain
Beck	Formby
Brownlee	Graves
Chadick	Hazlewood

Hill	Ramsey
Isbell	Shivers
Kelley	Smith
Lanning	Stone
Lemens	Sulak
Lovelady	Van Zandt
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield
Moffett	York
Moore	

Absent—Excused

Cotten

Spears

**House Bill 726 on Second Reading**

On motion of Senator Moffett and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 726 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 726, A bill to be entitled "An Act creating a Special Road Law for Hardeman County, Texas, providing that said county may fund or refund the indebtedness outstanding in its road and bridge fund as of February 1, 1941, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, time warrants or funding warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; providing for sufficient tax levy; validating all acts of the commissioners' court and of the county officials of said county, in issuing said scrip or warrants; validating said scrip or warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said county when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 726 on Third Reading**

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 726 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten

Spears

**Senate Bill 296 on Second Reading**

On motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 296 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 296, A bill to be entitled "An Act creating a special road law for Briscoe County, Texas; authorizing the commissioners' court to issue

funding bonds or warrants in lieu of certain scrip warrants and time warrants, and validating such scrip and time warrants; providing the method of issuing the same; making it the duty of the commissioners' court to levy a tax sufficient to pay principal and interest as they mature and accrue; making the General Laws pertaining to roads and bridges applicable to Briscoe County, Texas, and providing that the provisions of this Act shall be effective in case of conflict with any General or Special Law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portions thereof; enacting other provisions relating to the subject; and declaring an emergency."

The bill was read second time.

Senator Hazlewood offered the following amendment to the bill:

Amend S. B. No. 296 by changing the words and figures "Thirty Thousand (\$30,000.00) Dollars" in Section 1 thereof, to read as follows: "Forty Thousand (\$40,000.00) Dollars."

The amendment was adopted.

The bill was then passed to engrossment.

#### Senate Bill 296 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 296 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten                      Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten                      Spears

#### House Concurrent Resolution 95

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 95 at this time.

The President laid before the Senate, for consideration at this time:

H. C. R. No. 95, Commending certain people for lending their aid in creating a greater demand for the use of cotton and urging others to lend their support of this work.

The resolution was read and was adopted.

#### House Bill 798 on Second Reading

On motion of Senator Lanning and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 798 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 798, A bill to be entitled "An Act authorizing the commissioners' court in all counties having a population of not less than fifty-one thousand, three hundred and four (51,304) nor more than fifty-one thousand, four hundred and four (51,404), according to the last preceding 1940 Federal Census, to allow each county commissioner certain traveling ex-

penses while traveling on official business; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 798 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 798 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten                      Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten                      Spears

#### House Bill 799 on Second Reading

On motion of Senator Lanning and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 799 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 799, A bill to be entitled "An Act authorizing the commissioners' court in all counties having a population of not less than fifty-one thousand three hundred and four (51,304) and not more than fifty-one thousand four hundred and four (51,404), according to the last preceding 1940 Federal Census, to authorize the commissioners' court to purchase pick-up trucks to be used by the county commissioners in the discharge of their official business; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 799 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 799 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten                      Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

## Absent—Excused

Cotten	Spears
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**House Bill 801 on Second Reading**

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 801 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 801, A bill to be entitled "An Act to amend Section 1 of Chapter 90, page 194, Special Laws, Forty-second Legislature, Regular Session, 1931, as amended by Chapter 33, page 41, Special Laws, Forty-third Legislature, Regular Session, 1933, so as to remove Comanche County from the provision of said law; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 801 on Third Reading**

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 801 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Graves
Beck	Hazlewood
Brownlee	Hill
Chadick	Isbell
Fain	Kelley
Formby	Lanning

Lemens	Smith
Lovelady	Stone
Martin	Sulak
Mauritz	Van Zandt
Metcalf	Vick
Moffett	Weinert
Moore	Winfield
Ramsey	York
Shivers	

## Absent—Excused

Cotten	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

## Absent—Excused

Cotten	Spears
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**House Bill 744 on Second Reading**

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 744 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 744, A bill to be entitled "An Act authorizing the commissioners' court in all counties having a population of not less than five thousand, five hundred (5,500) and not more than five thousand, five hundred seventy-five (5,575), and in counties having a population of not less than two thousand, eight hundred twenty-five (2,825), and not more than two thousand, nine hundred (2,900), according to the last preceding Federal Census, to allow each county commissioner and county judge certain travel-

ing expenses while traveling on official business; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 744 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 744 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten                      Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten                      Spears

#### House Concurrent Resolution 75

On motion of Senator Lovelady and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 75 at this time.

The President laid before the Senate, for consideration at this time:

H. C. R. No. 75, Authorizing the lending by State Highway Department of guard wire to Granbury Independent School District.

The resolution was read.

On motion of Senator Lovelady, the resolution was tabled.

#### House Bill 843 on Second Reading

On motion of Senator Mauritz and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 843 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 843, A bill to be entitled "An Act declaring all of the area inundated by the waters of Lake Corpus Christi to be a wild-life sanctuary; prohibiting the carrying of firearms thereon; providing a penalty for violation of this Act; repealing conflicting laws; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 843 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 843 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Metcalf
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Vick

Weinert  
Winfield

York

Absent—Excused

Cotten

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten

Spears

## Senate Bill 450 on First Reading

Senator Van Zandt moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten

Spears

The following bill then was introduced, read first time and referred to the Committee on Civil Jurisprudence:

By Senators Van Zandt and Hazlewood:

S. B. No. 450, A bill to be entitled "An Act permitting estates of deceased Texas citizens, and others being administered within its jurisdiction, to take advantage of savings in Federal income taxes, authorized under Section 162 of the Federal Internal Revenue Code, by providing that where the estate of a deceased person is being administered under the direction, control and orders of a county court in the exercise of its probate jurisdiction, upon the application of the executor or administrator of said estate, or any interested party, after notice thereof as provided for in Sections 6 and 7 of H. B. No. 112, Chapter 446 of the Forty-fourth Legislature, Second Called Session, 1935, relating to notices of applications filed under the provisions of said H. B. No. 112, and when it appears, from the evidence introduced at the hearing of said application, and the court finds that the reasonable market value of the assets of the estate then on hand, exclusive of the annual income therefrom, is at least twice the aggregate amount of all unpaid debts, administration expense and legacies, and no creditors or legatees of the estate then appearing and objecting, the county court may order and direct the executor or administrator to pay to, or credit to the account of those persons who the court finds will own the assets of the estate, when the administration thereon is completed, and in the same proportions, such part of the annual net income received by or accruing to said estate, as the court may believe and find can be paid conveniently to, or credited to the account of, such owners without prejudice to the rights of creditors, legatees, or other interested parties, and providing that nothing contained in said Act shall authorize the county court to order paid to, or credited to the account of, such owners of the estate any part of the corpus or principal thereof, and providing that, for the purposes of said Act, bonuses, rentals and royalties received for or from an oil, gas and mineral lease shall be treated and regarded as income and not corpus or principal; and declaring an emergency."

## Senate Bill 451 on First Reading

Senator Brownlee moved that Section 5 of Article 3 of the Constitution be suspended to permit his in-

roducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten

Spears

The following bill then was introduced, read first time and referred to the Committee on Civil Jurisprudence:

By Senator Brownlee:

S. B. No. 451, A bill to be entitled "An Act to amend sub-section (b) of Section 17, of Chapter 465, Acts of the Second Called Session of the Forty-fourth Legislature, providing that where precinct officers are compensated for their services on an annual salary basis the maximum shall be limited according to the last preceding Federal Census under the provisions of Article 3883 Revised Civil Statutes 1925, as amended and Article 3891, Revised Civil Statutes 1925 as amended; and declaring an emergency."

#### Senate Bill 452 on First Reading

Senator Graves moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hazlewood
Beck	Hill
Brownlee	Isbell
Chadick	Kelley
Fain	Lanning
Formby	Lemens
Graves	Lovelady

Martin	Stone
Mauritz	Sulak
Metcalf	Van Zandt
Moffett	Vick
Moore	Weinert
Ramsey	Winfield
Shivers	York
Smith	

Absent—Excused

Cotten

Spears

The following bill then was introduced, read first time and referred to the Committee on Oil, Gas and Conservation:

By Senator Graves:

S. B. No. 452, A bill to be entitled "An Act granting fresh water supply districts heretofore or hereafter created in counties having a population of not less than three hundred ninety thousand (390,000) inhabitants, according to the last preceding or any future Federal Census, additional powers relating to sanitary sewer systems, fire fighting facilities and equipment, the paying of rewards in connection with convictions on charges of arson, and providing for the manner of paying for the improvements therein authorized; authorizing such districts to contract with nearby municipal corporations or other political subdivisions for fire protection and prescribing the terms and conditions and method of paying the consideration for said contracts; authorizing such districts to adopt and enforce reasonable rules and regulations relating to plumbing fixtures and facilities within such districts and to prescribe penalties for the breach thereof and requiring the giving of notice of such rules, regulations and penalties; authorizing such districts to employ their own peace officers and prescribing the duties thereof; authorizing such districts to issue revenue bonds payable from the revenue derived from the operation of the district's improvements and facilities and to issue combination tax and revenue bonds and prescribing the method of levying taxes and pledging revenues to the payment thereof and providing for the manner and method of issuing such revenue bonds and combination tax and revenue bonds; providing for conversion of water control and improvement districts heretofore or hereafter created into fresh water supply districts and prescribing the procedure for such conversion; providing that

premiums on surety bonds required of district officials and employees may be paid by the district; requiring contracts for improvements herein authorized to be let on competitive bids; and providing that this Act shall be cumulative of all other existing laws and if any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid the remainder of the Act and the application of such provisions to other persons or circumstances shall not be affected thereby; and declaring an emergency."

#### Reports of Standing Committees

Senator Weinert, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 437, A bill to be entitled "An Act amending Section 1, Chapter 35, Acts of the Special Laws of the Thirty-third Legislature, same being S. B. No. 253; and amending Section 1, Chapter 136, Acts of the Special Laws of the Forty-second Legislature, the same being S. B. No. 570; which Act amended Section 4, Chapter 35, Acts of Thirty-third Legislature relating to the Clifton Independent School District; and validating the acts of the Board of Trustees; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Senator Ramsey, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
April 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 494, A bill to be entitled "An Act authorizing the commissioners' court of any county having a population of not less than sixty thousand (60,000) and not more than

eighty thousand (80,000), according to the last United States Census, to rent or let to any landowner any tractor, grader, machinery or equipment belonging to said county to be used exclusively upon land belonging to such owner situated in said county, in the construction of terraces, dikes and ditches for the purposes of said conservation and soil erosion prevention and for the purpose of constructing water tanks and reservoirs; and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

#### Senate Bill 437 on Second Reading

On motion of Senator Lovelady and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 437 at this time.

The president laid before the Senate on its second reading and passage to engrossment:

S. B. No. 437, A bill to be entitled "An Act amending Section 1, Chapter 35, Acts of the Special Laws of the Thirty-third Legislature, same being S. B. No. 253; and amending Section 1, Chapter 136, Acts of the Special Laws of the Forty-second Legislature, the same being S. B. No. 570; which Act amended Section 4, Chapter 35, Acts of the Thirty-third Legislature relating to the Clifton Independent School District; and validating the acts of the board of trustees; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 437 on Third Reading

Senator Lovelady moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 437 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Graves
Beck	Hazlewood
Brownlee	Hill
Chadick	Isbell
Fain	Kelley
Formby	Lanning

Lemens	Smith
Lovelady	Stone
Martin	Sulak
Mauritz	Van Zandt
Metcalf	Vick
Moffett	Weinert
Moore	Winfield
Ramsey	York
Shivers	

Absent—Excused

Cotten

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten

Spears

#### Message from the Governor

The President laid before the Senate, and had read the following message from the Governor:

Austin, Texas,  
May 1, 1941.

To the Senate of the Forty-seventh Legislature:

Senator Thos. B. Love of Dallas, Dallas County, is unable to accept the appointment on the Liquor Control Board. Therefore, I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Chairman of the Liquor Control Board, term expiring November 15, 1945:

Jeff Davis of Dallas, Dallas County.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

The message was referred to the Committee on Nominations of the Governor.

#### House Bill 238 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 238, known as the Highway Bond Assumption bill, on its passage to third reading.

Senator Shivers offered the following amendment to the bill:

Amend H. B. No. 238 by striking out all below the enacting clause and inserting in lieu thereof the following:

"That Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as heretofore amended, be amended so as to be and read as follows:

Section 1. It is expressly recognized and declared that all highways now or heretofore constituting a part of the system of State Highways which have been constructed in whole or in part from the proceeds of bonds, warrants, or other evidence of indebtedness issued by counties of the State of Texas, or by defined road districts of the State of Texas, under the laws authorizing the same, have been and are and will continue to be beneficial to the State of Texas at large, and have contributed to the general welfare, settlement and the development of the entire State, and that, by reason of the foregoing, a heavy and undue burden was placed, and still rests, upon the counties and defined road districts and their inhabitants, and both a legal and moral obligation rests upon the State to compensate and reimburse such counties and defined road districts which, as aforesaid, have performed functions resting upon the State, and have paid expenses which were and are properly State expenses, all for the use and benefit of the State.

Having heretofore, by an Act of the Legislature (Chapter 13, Acts of the Third Called Session of the Forty-second Legislature in 1932) taken over, acquired and purchased the interest and equities of the various counties and defined road districts in and to the highways constituting a part of the system of then designated State Highways, it is further declared to be the policy

of the State to take over, acquire, purchase and retain, the interest and equities of the various counties and defined road districts in and to the highways not previously taken over, acquired and purchased and constituting on January 2, 1939, a part of the system of designated State Highways, and to provide for the acquisition, establishment, construction, extension and development of the system of designated State Highways of Texas, from some source of income other than the revenues derived from ad valorem taxes, it being expressly provided herein that the State is not assuming, and has not assumed, any obligation for the construction, extension and development of any of the highways thus acquired and purchased which do not constitute a part of the system of designated State Highways. And it is hereby determined that the further provisions of this Act constitute fair, just and equitable compensation, repayment and reimbursement to said counties and defined districts and for their aid and assistance to the State in the construction of State Highways.

Sec. 2. By the expression 'defined road districts' or 'road districts' or 'district' used in this Act, is meant any defined road district of the State or any Justice or Commissioners' Precinct acting as a road district or any road district located in one or more than one county.

By the expression 'roads' or 'road' as used in this Act, is meant roads, road beds, bridges and culverts.

By the expression 'highways,' State Highways' and 'State designated Highways' are meant roads which prior to January 2, 1939, had become a part of the system of designated State Highways, including roads still constituting a part of such system on said date and those which theretofore constituted a part of such system, but whose status had been lost through change, relocation or abandonment and including roads concerning which the State Highway Commission had prior to January 2, 1939, indicated its intention to designate, evidencing such intention in the official records or files.

The term 'Board' as used in this Act, when the contrary is not clearly indicated, shall mean the 'Board of County and District Road Indebtedness.'

The term 'fund' as used in this Act, when the contrary is not clearly indicated, shall mean the 'County and District Highway Fund.'

The expression 'eligible obligations' as used in this Act shall mean obligations, the proceeds of which were actually expended on State designated Highways.

Sec. 3. All further improvement of said State Highway System shall be made under the exclusive and direct control of the State Highway Department and with appropriations made by the Legislature out of the State Highway Fund. Surveys, plans and specifications and estimates for all further construction and improvement of said System shall be made, prepared and paid for by the State Highway Department. No further improvement of said System shall be made with the aid of or with any monies furnished by the counties except the acquisition of rights of way which may be furnished by the counties, their subdivisions or defined road districts. But this shall in no wise affect the carrying out of any binding contracts now existing between the State Highway Department and the commissioners court of any county, for such county, or for any defined road district. In the development of the System of State Highways and the maintenance thereof, the State Highway Commission shall from funds available to the State Highway Department provide:

(a) For the efficient maintenance of all highways comprising the State System.

(b) For the construction in cooperation with the Federal Government to the extent of Federal Aid to the State, of highways of durable type of the greatest public necessity.

(c) For the construction of highways, perfecting and extending a correlated system of State Highways, independently from State Funds.

Sec. 4. All monies now or hereafter deposited in the State Treasury to the credit of the 'State Highway Fund,' including all Federal Aid money deposited to the credit of said Fund under the terms of the Federal Aid Highway Act, shall be subject to appropriation by the Legislature for the specific purpose of the improvement of said System of State Highways by the State Highway Department.

Sec. 5. Each month the Comptroller of Public Accounts, after computing and ascertaining the maximum amount of refunds that may be due by the State on the business of selling gasoline, as provided in Section 17, Chapter 88, General Laws, Acts of the Second Called Session of the Forty-first Legislature, as amended by Chapter 104, General Laws, Acts of the Regular Session of the Forty-second Legislature shall deduct same from the total occupation or excise tax paid on the business of selling gasoline, as imposed by Section 17, Chapter 98, General Laws, Acts of the Regular Session of the Forty-second Legislature as amended, and, beginning with said taxes collected on and after October 1, 1932, shall, after deducting the said maximum amount of refunds, allocate and place the remainder of said occupation or excise tax on the business of selling gasoline, in the State Treasury as provided by law, in the proportion as follows: One-fourth of such occupation or excise tax shall go to, and be placed to the credit of, the Available Free School Fund; a maximum of one-fourth of said occupation or excise tax or so much of said one-fourth as may be necessary to pay the interest, principal and sinking fund requirements on all eligible obligations under this Act and expenses of administration of this Act shall go to, and be placed to the credit of a fund to be known as the 'County and Road District Highway Fund'; subject to the provisions and limitations of Section 3 of this Act; the remainder of such occupation or excise tax shall go to, and be placed to the credit of, the State Highway Fund, for the construction and maintenance of the public roads of the State, constituting and comprising the system of State Highways of Texas, as designated by the State Highway Commission of Texas.

Sec. 6. (a) All bonds, warrants or other evidences of indebtedness heretofore issued by counties or defined road districts of this State, which mature on or after January 1, 1933, insofar as amounts of same were issued for and the proceeds have been actually expended in the construction of roads, that constituted and comprised a part of the system of designated State Highways on September 17, 1932, or which subsequent to such date and prior to January 2, 1939, have been designated a part of the

System of State Highways or any road that heretofore has constituted a part of said System and which has been or may be changed, re-located or abandoned, whether said indebtedness is now evidenced by the obligation originally issued or by refunding obligations or both, shall be eligible to participate in the distribution of the monies coming into said County and District Highway Fund, subject to the provisions of this Act, provided, that such indebtedness, the proceeds of which have been expended in the construction of roads, which have been designated as a part of the State Highway System after September 17, 1932, and prior to January 2, 1939, shall participate in said County and Road District Highway Fund as of the date of the designation of said road as a part of the State system; provided further that any participation in said fund by any county or defined road district shall be less the amount of money which it was required to accumulate in the sinking fund under the provisions of the statutes and order of the commissioners' court authorizing the issue of said eligible obligations, and the tax levy authorized at the time of issuance thereof for the time such obligations have run or may have run regardless of whether the full amount of said funds are, or may be, actually on hand and to the credit of the sinking funds of such county or defined road district. It is provided expressly in this connection that the term 'sinking funds' shall include only those funds required under the law for the retirement of principal and shall not include any excess or surplus which may have been accumulated by any county or defined road district above the legal requirements. The amount of such eligible indebtedness shall be determined as hereinafter provided. Provided further that no State funds created or provided for by the terms of this Act shall be expended in the payment of any interest maturing on the amount of sinking funds required by the terms of this Act to be accumulated by the county or defined road district at the date of eligibility of its obligations.

In the event the State Highway Commission has, on a date prior to January 2, 1939, recorded a conditional designation and all conditions

precedent to the official designation thereof have been met or performed in a manner satisfactory and acceptable to the Highway Commission, and the Highway Commission officially enters of record its acceptance and designation of such road as a part of the State Highway System for maintenance, then the provisions of this Act shall apply as if the said roads had actually been designated prior to January 2, 1939.

(aa) In addition to and regardless of the other provisions of this Act, all bonds voted by a county or a Defined Road District prior to January 2, 1939, insofar as amounts of same were or may be issued and the proceeds actually expended in the construction of roads which are a part of the designated System of State Highways or which may thereafter become a part of the designated System of Highways shall be eligible to participate in the distribution of the monies coming into said County and Road District Highway Fund the same as provided for other bonds under this Act and as of the date of the designation of said road as a part of the State System; and where such bonds were voted prior to the designation of the road as a State highway, the county or Defined Road District may issue and spend the proceeds on the construction of such road under plans, contract, specifications, and supervision, to be approved or furnished by the State Highway Department, and when so expended, the bonds shall be eligible to participate in the County and Road District Highway Fund the same as if the bonds were issued and expended prior to January 2, 1939.

(b) The Board of County and District Road Indebtedness, created by Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, consisting of the State Highway Engineer, State Comptroller of Public Accounts, and State Treasurer, is hereby continued and charged with the duties of administering this Act. The State Comptroller of Public Accounts shall be the Secretary of said Board and said Board shall elect its own chairman from its membership. The Board shall adopt its own rules consistent with this Act for the proceedings held hereunder, and shall have authority to call to its assistance in arriving at the amount of bonds, warrants, or other

evidences of indebtedness eligible to participate in the County and Road District Highway Fund any official or employee of this State, and shall avail itself of all data and information assembled in the administration of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and said Board is hereby authorized to call on any County Judge of any County or State official or employee, and shall have full access to all the records, books and public documents for the purpose of obtaining any information which it may deem necessary and pertinent to its inquiry in arriving at the amount of bonds, warrants, or other evidences of indebtedness eligible to participate in the County and Road District Highway Fund.

(c) It shall be the duty of the Board of County and District Road Indebtedness, from the data and information furnished by the County Judges of the State, and by the Chairman of the State Highway Commission and by the State Comptroller of Public Accounts, and from such further investigation as said Board may deem necessary to ascertain and determine the amount of indebtedness eligible under the provisions of this Section of this Act to participate in the moneys coming into said County and Road District Highway Fund. Whenever in the case of any particular issue of obligations the proceeds thereof shall have been expended partly on designated State Highways, or highways heretofore constituting designated State Highways, and partly on roads which never have been designated State Highways, said Board shall ascertain and determine the amount of said obligations, the proceeds of which were actually expended on State Highways or on roads heretofore constituting State Highways and said obligations to said amount and extent shall be eligible for participation in the moneys coming into the County and Road District Highway Fund, and said ascertainment and determination shall be certified to the County Judge by said Board and all of the unmatured outstanding obligations of said issue shall ratably have the benefit of said participation in said moneys. The ascertainment and determination by the Board of County and District Road Indebtedness after reasonable notice and hearing, of the amount of any county

or defined road district obligations eligible under the provisions of this Act to participate in any monies coming into the County and Road District Highway Fund, or as to the amount of any obligations the proceeds of which were actually expended on State Highways, or on roads heretofore constituting State Highways, shall be final and conclusive and shall not be subject to review in any other tribunal. But said Board of County and District Road Indebtedness shall have the right at any time to correct any errors or mistakes it may have made.

(d) The Board shall make and keep a record of all county and defined road district eligible obligations, issue by issue, and a book shall be prepared and kept in which shall be recorded all eligible issues, maturity dates of principal and interest, rates of interest, and places of payment for each county and each defined road district; each issue and the data pertaining to same shall be listed separately. The Board shall keep a record of all vouchers issued.

(e) The State Treasurer shall keep a separate account for each county and defined road district of any monies received for the credit of said county or defined road district pursuant to the provisions hereof.

(f) A list shall be compiled by the Board of County and District Road Indebtedness showing the amount ascertained and determined by it to be the eligible indebtedness of each county and defined road district, and a copy thereof shall be furnished to each County Judge in this State.

(g) From year to year, and not later than July 15th of each year, said Board shall ascertain and determine the sum necessary to pay the interest, principal, and sinking fund requirements on all eligible obligations for the next succeeding calendar year and shall estimate the sum which shall be applicable to the same, not later than August 1st of each year, give notice to the County Judge of each county of the estimated amount available for application to said interest, principal, and sinking fund requirements. In the event the amount so estimated to be applied to the payment of eligible obligations for any county or defined road district is sufficient to meet all maturing interest, principal and sinking fund requirements, the com-

missioners' court may dispense with the collection of ad valorem levies for such calendar and/or fiscal year for such interest, principal, or sinking fund requirements. In the event the amount of payments so estimated to be applied is not sufficient to meet the maturing interest, principal, and sinking fund requirements, the county commissioners' court shall collect from taxes on the property in said respective counties and defined road districts, an amount of money equal to the difference between the amount of such requirements and the amount available for application. In this connection it is declared to be the intent of the Legislature that all contractual duties and obligations which may exist between any county and/or defined road district and the owner or holder of the present outstanding indebtedness of any county and/or defined road district, shall not be in any manner disturbed or impaired and shall remain inviolate. Any tax heretofore provided to be levied in support of any present outstanding indebtedness affected by the provisions of this Act shall continue to be assessed, levied, and collected as originally provided; however, the collection of said tax may, by order of the commissioners' court, be lessened and reduced by the payments made, and to be made, thereon and in behalf of such indebtedness out of the County and Road District Highway Fund, as herein provided, and as succeeding Legislature shall, by appropriation, make provisions therefor. The entire proceeds of all taxes collected on any eligible issue of bonds shall be remitted by the County Treasurer of each county collecting the same, together with a statement of the amount collected, to the State Treasurer and shall be held by the State Treasurer as ex-officio Treasurer of said county or defined road district for the benefit of the county or defined road district remitting the same, and be disbursed to meet the interest, principal, and sinking fund requirements on the eligible obligations of said county or defined road district.

In the event the amount of funds available to be applied to meet the maturing interest, principal, and sinking fund requirements in any calendar or fiscal year is not sufficient to satisfy such requirements, the monies available in the County and Road District Highway Fund,

as estimated and determined by the Board, shall be, for that calendar or fiscal year first applied to the payment and satisfaction of interest maturing on all eligible obligations during the particular calendar and/or fiscal year, and this payment is to be made ratably upon the interest on eligible obligations of the various counties or defined road districts; and if there is more of said moneys available than necessary to pay all of said interest, then such balance over the required interest payment for such year shall be distributed ratably to each issue of eligible obligations on the basis of the principal of eligible obligations and sinking fund requirements thereon maturing each year.

(h) On September 1st of each year after the Board has paid off and discharged all eligible obligations maturing during the preceding fiscal year, together with the interest on such obligations and the sinking fund requirements accruing thereon, out of the County and District Highway Fund, any surplus remaining in said fund over and above Three Million (\$3,000,000.00) Dollars, or so much thereof as the Board may consider necessary, which shall be carried forward as working capital or as a revolving fund, shall be transferred by the State Treasurer to the State Highway Fund for expenditure by the State Highway Department in the construction and maintenance of the State Highway System.

(i) The county commissioners' court of any county may exercise the authority now conferred by law to issue refunding obligations for the purpose of refunding any eligible debt of the county or of any defined road district; and such refunding obligations, when validity issued shall be eligible obligations within the meaning of this Act, if said Board of County and District Road Indebtedness shall approve the maturities of said refunding obligations and the rate of interest borne by them. Provided that no commission, bonus, or premium shall be paid by any county or defined road district for the refunding of such obligations, and no County Treasurer shall receive any commission for handling of the funds derived from the refunding of such obligations. All actual expense incurred in the refunding of its eligible indebtedness, including cost of pro-

ceedings, printing, legal approval and interest adjustment, shall be chargeable against the money theretofore or thereafter collected from ad valorem taxes, or at the option of the commissioners' court conducting such refunding, may be paid from any other money under its control and available for the purpose, provided no obligations for such expense items shall be incurred or paid without affirmative approval by said Board. In any instance where, in the opinion of said Board, the existing maturities of any issue of eligible obligations or any part thereof are such as to give the county or defined road district which issued them an inequitable or disproportionate participation in the monies coming into the County and Road District Highway Fund in any particular period, said Board, in its discretion, may require said issue or any part thereof to be refunded into refunding obligations bearing such rate of interest and having such maturities as may be satisfactory to the Board. And if said county or defined road district shall fail or refuse to effectuate such refunding within a reasonable time to be fixed by said Board, said obligations so required to be refunded, and all other obligations of said county or defined road district shall cease to be eligible for participation in said County and Road District Highway Fund until the requirements of said Board with respect to refunding shall be complied with.

(j) All monies to be deposited to the credit of the County and Road District Highway Fund, from September 1, 1941, to August 31, 1943, both inclusive, are hereby appropriated to said respective counties and defined road districts and shall be received, held, used and applied by the State Treasurer, as ex-officio Treasurer of said respective counties and defined road districts, for the purposes and uses more specifically set forth in this Act, including the payment of principal, interest and sinking fund requirements on all eligible obligations maturing on and from September 1, 1941, to and including August 31, 1943, and each year thereafter until all of such eligible obligations are fully paid; and monies coming into the credit of the County and Road District Highway Fund with the State Treasurer and all monies remaining therein from the previous year shall be re-

ceived and held by him as ex-officio Treasurer of such counties and defined road districts, and shall first be subject to the appropriation for the payment of interest, principal and sinking funds maturing from time to time on said eligible obligations and then for the other uses specified in this Act.

(k) As payment of principal and/or interest becomes due upon such eligible obligations, the State Comptroller of Public Accounts shall issue his warrant to the State Treasurer for the payment thereof, and the State Treasurer shall pay the same at his office in Austin, Texas, or by remitting to the bank or trust company or other place of payment designated in the particular obligations. Such warrants or voucher claims shall show on their face that the proceeds of the same are to be applied by the paying agent to the payment of certain specified obligations or interest therein described, by giving the name of the county or defined road district by which they were issued, numbers, amounts and dates of maturities of the obligations and interest to be paid with instructions to the State Treasurer, paying agent, bank or trust company to return to the State Comptroller of Public Accounts such obligations and interest coupons when same are paid, and the State Comptroller of Public Accounts shall, upon receipt of said obligations and coupons, credit same on his records and send them, duly cancelled, to the commissioners' court of the appropriate county, which shall cause to be duly entered a record of such cancellation.

(l) Expenses necessary to be incurred in the determination of the indebtedness of the counties and defined road districts of the State, and in the discharge of the duties required for the payment of such obligations shall be paid from the County and Road District Highway Fund by warrant approved by the Chief Accountant, the State Comptroller of Public Accounts and one other member of said Board.

The compensation of all employees of said Board shall be fixed by the Legislature. All employees of said Board of County and District Road Indebtedness shall be bonded, the amount of such bond being set by the Board.

(m) All of the securities now on hand in which sinking funds collected for the benefit of outstanding eligible issues are invested, and all funds and securities hereafter acquired for the benefit of the entire outstanding balance of all eligible bond issues shall be forwarded within thirty (30) days from the effective date of this Act, and thereafter within thirty (30) days of the acquisition of such fund or securities, to the State Treasurer as ex-officio County Treasurer of the various counties and defined road districts. Provided that the cash now on hand in the sinking fund created for the benefit of outstanding eligible obligations may also be remitted as above set forth, at the option of such county or defined road district. Any county, the commissioners' court of which fails or refuses to comply with the provisions of this Act in all things, including the levy, assessment, and the collection of a tax and at a rate sufficient to pay all sums due or to become due, which the State is unable to pay or to provide each year the proportionate amount of sinking fund required to redeem its outstanding bonds at their maturity shall not participate in any of the benefits of this Act so long as such county fails or refuses to comply with the provisions thereof. The Board of County and District Road Indebtedness shall have and possess full authority to invest all such sinking funds, including all future sinking funds acquired in any manner whatsoever, in any eligible obligations of the various political subdivisions of this State, which mature within the current biennium in which such securities are purchased and where there is on hand a sufficient amount of monies or securities to the credit of any one political subdivision to retire some of its outstanding obligations, whether then due or not, the Board of County and District Road Indebtedness may, if it deems it advisable, purchase and cancel said obligations of such particular political subdivision, irrespective of maturity dates. Provided further, that any county which has selected a depository according to law and in which county such depository has qualified by giving surety bonds or by the deposit of adequate securities of the kind provided by law, which in the opinion of the Board of County and Dis-

strict Road Indebtedness is ample to cover the county deposits, and which county has not defaulted in the payment of any installment of principal and/or interest on any county bonds for a period of five (5) years next preceding the date of the filing of its application for exemption, and in which county all sinking funds of all bond issues are in excess of the standard required by law and which county has levied for the current tax year adequate rates in support of outstanding bond issues and warrants as required by the Constitution and Statutes of said State, shall be exempt from the provisions of this Subsection (m) of this Act, and which exemption shall be obtained by such county in the manner and under conditions prescribed by the said Board of County and District Road Indebtedness. Said Board shall have the right to inspect the records of such county at any subsequent date to ascertain whether or not the facts warrant the continuation of the exemption. If at any time, in the opinion of the Board, counties that have been granted exemption under the provisions of this Act shall cease to comply with all the conditions under which the exemption has been granted, the Board shall notify the county to return all securities in which the sinking funds of eligible road bond issues are invested and the residue in said sinking funds, and to begin immediately forwarding taxes levied and collected for the payment of interest and principal on all eligible road bond issues. Said counties whose exemption has been cancelled by said Board shall be given a period of thirty (30) days in which to comply with the demands of the Board. Provided further, that such county so exempt shall furnish the Board an annual statement of the condition of the sinking funds of the several eligible road bond issues, together with a financial statement of the county depository. The Board shall have the right to withhold the payment of any maturity on any eligible road bond indebtedness where such county has failed or refused to comply with all the provisions of this Act.

(n) The Board shall keep adequate minutes of its proceedings and semi-annually, within thirty (30) days after February 28, and August 31, of each year, shall make itemized reports to each county with respect to

the receipts, disbursements and investment of the funds credited to such county. The commissioners' court of any county, and/or its accredited representatives, shall have the right to inspect the records of said Board and of the State Treasurer, at any reasonable time for the purpose of making any investigation or audit of the accounts affecting its county.

(o) The Board shall, within (90) days after the close of each fiscal year, make a complete accounting for the preceding year to the Governor of this State, showing in such report its act, investments, changes in investments and sinking fund status of each county and each defined road district, and shall file copies of such report with the President of the Senate and with the Speaker of the House of Representatives.

(p) In the event this Act is repealed, or shall be or become inoperative as to any county or defined road district, then it shall be the duty of the Board to ascertain immediately the amount of monies and securities remaining on hand with it or with the State Treasurer belonging to the several counties or defined road districts affected, and forthwith to return the same to the County Treasurer of the county entitled thereto, accompanied by an itemized statement of the account of the county or defined road district.

(q) All funds on hand belonging to, and hereafter credited to the several counties and defined road districts of the State, shall be considered State funds, and as such shall be deposited at intervals in the depositories provided for by the State laws, and all interest earned on such funds and on the securities in which the sinking funds are invested shall belong to said counties or defined road districts, and shall be credited to them by the State Treasurer as earned and collected.

(r) Upon notice from the Board of the amount that such county or defined road district shall be required to pay toward any installment of interest or maturing principal, the County Treasurer of such county shall, not later than twenty (20) days prior to the maturity date of such interest, principal, or sinking fund requirements, forward to the State Treasurer the amount fixed by

the Board as being necessary to supplement the amounts previously placed to the credit of any such county or defined road district by said Board under the provisions of this Act.

Sec. 7. All bonds heretofore issued by navigation districts of this State, which mature on or after January 1, 1933, and insofar as amounts of same were issued for and the proceeds thereof actually expended in the construction of bridges across any stream or streams or any other waterways upon any highway that constituted and comprised a part of the system of designated State Highways on September 17, 1932, shall hereafter be included within and eligible under the provisions of Chapter 13 of the Acts of the Forty-second Legislature of Texas, passed at its Third Called Session, as amended by the Acts of the Forty-third Legislature of Texas, Regular Session, to the extent that the proceeds of the sale of said bonds shall have been actually expended in the construction of such bridges and in such cases the outstanding bonds of said navigation districts in an amount equal to the amount so expended by such navigation districts shall be redeemed under the same conditions as is provided by said Chapter 13, Acts of the Forty-second Legislature of Texas, Third Called Session, as amended by the Acts of the Forty-third Legislature of Texas, Regular Session, for the redemption of County and Road District Bonds.

It is expressly provided that the Board of County and District Road Bond Indebtedness shall not be authorized to give the bonds herein referred to preference over other similar bonds eligible under said Bond Act; and it is further expressly provided that said Board in determining the amount of bonds eligible for assumption shall take into consideration the amount of the bond money expended for the construction of said bridge and the balance due on said amount of bonds used in the construction of said bridge at the effective date of this Act; and in no event shall said Board be authorized to assume in excess of the balance due on the bonds for the said bridge construction at the effective date of this Act.

Sec. 8. No provision of this Act shall be construed to authorize the

giving or lending of the credit of the State to any county or district or to pledge the credit of the State in any manner whatever for the payment of any of the outstanding road indebtedness herein referred to of the counties or districts of the State. It is hereby declared that all eligible indebtedness, as herein defined, shall remain indebtedness of the respective counties or defined road districts which issued it, and said counties or defined road districts shall remain liable on said indebtedness according to its terms and tenor; and it is not the purpose or intention of this Act, or any part hereof, to obligate the State of Texas directly or indirectly or contingently, for the payment of any such obligations or that the State of Texas should assume the payment of said obligations, and this Act is not to be construed as obligating the State of Texas to the holders, of any of said obligations to make any payment of the same, or any part thereof, nor shall such holders have any rights to enforce the appropriation of any of the monies hereinabove provided for, but the provisions hereof are intended solely to compensate, repay and reimburse said counties and districts for the aid and assistance they have given to the State in furnishing, advancing and contributing money for building and constructing State Highways.

Sec. 9. If succeeding Legislatures shall continue to carry out the policy herein defined by authorizing a similar appropriation of funds from time to time, then whenever the eligible obligations shall have been fully paid as herein provided as, to, or for any county or defined road district according to the provisions of this Act, then and in that event, the title and possession of all roads, roadbeds, bridges and culverts, in such county or defined road district which are included in the system of designated State Highways, shall automatically vest in fee simple in the State of Texas; and in the event of any subsequent physical change therein, such title and possession shall extend to any such change so made; provided that when the right-of-way, or any part thereof, pertaining to a State Highway has been abandoned because of the abandonment of such road for all public purposes, and such right-of-way, or any part thereof, was donated by the

owner of the land for right-of-way purposes, then and in that event the title to the said right-of-way shall vest in said owner, his heirs or assigns; provided, however, that nothing in this Act shall prevent the State Highway Commission from changing or abandoning any State Highway, and if the Commission shall change or abandon any State Highway in any county the commissioners' court of such county shall have the right to assume jurisdiction over such portion of such highway so abandoned by the State Highway Commission.

Sec. 10. If any Section, sub-section, paragraph, sentence, clause, or provision of this Act, shall, for any reason, be held invalid, such invalidity shall not affect any other portion of this Act or the application of such Section, subsection, paragraph, sentence, clause, or provision to any other person or situation, but this Act shall be construed and enforced as if such invalid provisions had not been contained therein.

Sec. 11. This Act shall be cumulative of all other valid laws on the subject, but in the event of a conflict between any provision of this Act and any other Act, the provisions of this Act shall prevail.

Sec. 12. The fact that the present law governing the subject matter of this Act is inadequate creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in both Houses be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Senator Van Zandt moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—8

Aikin	Moffett
Formby	Smith
Isbell	Van Zandt
Lanning	Weinert

Nays—18

Beck	Kelley
Brownlee	Lemens
Fain	Martin
Graves	Mauritz
Hazlewood	Metcalf

Moore	Sulak
Ramsey	Vick
Shivers	Winfield
Stone	York

Present—Not Voting

Hill

Pa red

Senator Chadick (present), who would vote "yea" with Senator Cotten (absent), who would vote "nay."

Senator Lovelady (present), who would vote "yea" with Senator Spears (absent), who would vote "nay."

Senator Lemens moved the previous question on the amendment, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

Yeas—13

Fain	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Stone
Lemens	Winfield
Mauritz	York
Metcalf	

Nays—16

Aikin	Lovelady
Beck	Martin
Brownlee	Moffett
Chadick	Smith
Formby	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert

Absent—Excused

Cotten

Spears

Question recurring on the amendment by Senator Shivers, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—18

Beck	Metcalf
Brownlee	Moore
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Kelley	Sulak
Lemens	Vick
Martin	Winfield
Mauritz	York

## Nays—9

Aikin	Moffett
Formby	Smith
Hill	Van Zandt
Isbell	Weinert
Lanning	

## Paired

Senator Chadick (present), who would vote "nay" with Senator Cotten (absent), who would vote "yea."

Senator Lovelady (present), who would vote "nay" with Senator Spears (absent), who would vote "yea."

Senator Shivers offered the following amendment to the bill:

Amend H. B. No. 238 by striking out all above the enacting clause and inserting in lieu thereof the following:

"An Act amending Chapter 13, Acts, Third Called Session of the Forty-second Legislature as amended; declaring the policy of the State with reference to building, maintaining and financing State designated roads; defining certain terms used throughout the Act; creating the Board of County and District Road Indebtedness, and prescribing the powers, duties and obligations of said Board; allocating revenue obtained from the occupation tax on the business of selling gasoline; creating a county and road district highway fund, designating the money to be placed in said fund, and prescribing the manner and purposes for which such fund shall be expended; authorizing the payment out of the county and road district highway fund of certain bonds and warrants issued by the counties and road districts where the proceeds of such bonds and warrants were used in the construction of roads comprising the State system of highways; providing for refunding certain county and road district obligations and bonds; providing for the disposition of sinking funds on county and road district bonds issued to build State designated highways; making an appropriation for the next biennium of the moneys coming into the county and road district highway fund; providing for the handling of county and road district sinking funds accumulated from the payment of certain road bonds and warrants; providing for the payment of certain navigation district bonds; making an

appropriation for the administration of this Act; providing that if any section of this Act is unconstitutional, other portions of this Act shall not be affected thereby; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The amendment was adopted.

Senator Kelley offered the following amendment to the bill:

Amend H. B. No. 238 as amended, as follows:

On page 4 of said bill, in line 2, and lines 11 and 12 by inserting a comma and the words "road district" immediately following the word "County," and immediately preceding the words "or a defined road district."

KELLEY,  
LOVELADY.

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 238 by adding the following after line 20, page 6, of the printed bill:

"A county may spend money accruing to it under this Act for the construction and maintenance of lateral roads only when it shall have put the construction and maintenance of its lateral roads under a county unit system, which system specifically shall include:

"(1) All lateral road construction and maintenance shall be planned and executed on a county wide basis;

"(2) All lateral road construction and maintenance shall be done under plans and specifications of the county highway engineer, who shall be employed by the commissioners' court either on a full time basis or a part time basis, and to whose qualifications as a competent highway engineer the State highway engineer shall certify in writing; and

"(3) All supplies and equipment for lateral road construction and maintenance, where the total consideration is likely to be more than \$25.00, shall be purchased or leased for the county as a whole, on specifications prepared by the county highway engineer, on competitive bids, and in amounts where practicable to secure quantity discounts.

"The county judge and the county highway engineer on July 1 of each

year shall certify to the Board of County and District Road Indebtedness as to whether or not the provisions of this Section have been observed. The said board shall have the power to make such investigation as it may deem necessary to determine whether or not the provisions of this Section have been observed by any county. If the board shall find that the provisions of this Section have not been observed by any county, it shall withhold from such county any money for lateral road construction and maintenance until such time as it shall find that such county is observing the provisions of this Section."

Senator Shivers moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—17

Brownlee	Moore
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Kelley	Sulak
Lemens	Vick
Martin	Weinert
Mauritz	York
Metcalfe	

## Nays—10

Aikin	Lanning
Beck	Moffett
Formby	Smith
Hill	Van Zandt
Isbell	Winfield

## Paired

Senator Chadick (present), who would vote "nay" with Senator Cotten (absent), who would vote "yea."

Senator Lovelady (present), who would vote "nay" with Senator Spears (absent), who would vote "yea."

Question recurring on the passage of the bill to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

## Yeas—20

Beck	Hill
Brownlee	Kelley
Fain	Lanning
Graves	Lemens
Hazlewood	Martin

Mauritz	Stone
Metcalfe	Sulak
Moore	Vick
Ramsey	Winfield
Shivers	York

## Nays—7

Aikin	Smith
Formby	Van Zandt
Isbell	Weinert
Moffett	

## Paired

Senator Chadick (present), who would vote "nay" with Senator Cotten (absent), who would vote "yea."

Senator Lovelady (present), who would vote "nay" with Senator Spears (absent), who would vote "yea."

## House Bill 238 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 238 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—24

Beck	Metcalfe
Brownlee	Moffett
Fain	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

## Nays—4

Aikin	Isbell
Formby	Smith

## Absent—Excused

Spears

## Paired

Senator Chadick (present), who would vote "nay" with Senator Cotten (absent), who would vote "yea."

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—19

Beck	Metcalf
Brownlee	Moore
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Kelley	Sulak
Lanning	Vick
Lemens	Winfield
Martin	York
Mauritz	

## Nays—8

Aikin	Moffett
Formby	Smith
Hill	Van Zandt
Isbell	Weinert

## Paired

Senator Chadick (present), who would vote "nay" with Senator Cotten (absent), who would vote "yea."

Senator Lovelady (present), who would vote "nay" with Senator Spears (absent), who would vote "yea."

## Reasons for Vote on Highway Bond Assumption Act

On the road bond assumption bill, I am voting to return the surplus involved to the Highway Department because of the military emergency that faces this Nation. I believe that in this crisis, all resources of the State should be devoted insofar as possible to co-operating with the Federal Government in its defense efforts. There are in Texas some seven thousand (7,000) miles of main civilian State highways designated by the War Department as of strategic military importance. The construction and improvement of this network is regarded by military authorities as essential to the national defense. The State Highway Department is the accredited State agency to construct and improve this mileage so that our motorized army can have roads available for the thousands of vehicles necessary to the military establishment. Therefore, I believe that the funds in question should be placed where they will be available for this purpose.

J. FRANKLIN SPEARS.

## Message from the House

The Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

H. C. R. No. 109, Authorizing the Enrolling Clerk of the House of Representatives to correct the caption of H. B. No. 247.

H. C. R. No. 92, Granting permission to Mrs. Mamie Scherrer and husband, Emil Scherrer, their heirs, executors, administrators, and assigns to bring suit against the State of Texas.

H. C. R. No. 111, Recalling H. B. No. 371 from the Governor.

H. B. No. 454, A bill to be entitled "An Act creating and providing for a Merit System Council; defining certain terms; providing qualifications for members of the Council and for their terms of office; providing for the council's organization and meetings, the compensation of members; and providing its duties and powers; providing for appointment of a Merit System Supervisor and fixing his salary; permitting State agencies to expend State and Federal funds for services rendered by the Merit System Council; appropriating Federal funds for use for the purposes for which they were granted; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

## Bill and Resolution Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bill and resolution:

H. B. No. 56, A bill to be entitled "An Act to extend the time for the payment of all notes or obligations executed by purchasers of school land for the unpaid balance of principal due the State thereon until November 1, 1951; amending Article 5312, Revised Civil Statutes 1925; amending

Article 5326, Revised Civil Statutes 1925; and declaring an emergency."

H. C. R. No. 56, Providing for a committee of six members of the State Legislature to investigate the feasibility and probable cost of fireproofing the State Land Office Building.

#### House Concurrent Resolution 110

The President laid before the Senate (the resolution having been received from the House today):

H. C. R. No. 110, Authorizing the certain corrections to be made in the enrolled copy of H. B. No. 8.

The resolution was read, and by unanimous consent, it was considered at this time.

(Senator Lemens in the Chair.)

Senator Moore offered the following amendment to the resolution:

Amend H. C. R. No. 110 by striking out the following language therein:

In paragraph 5 of Section 1, line 3, of the House mimeographed copy of Senate amendment No. 61, by inserting the words "in determining the taxable value" in lieu of the words "for the sale";

The amendment was adopted.

Senator Van Zandt offered the following amendment to the resolution:

Amend pending resolution by changing the word "by" to the word "be" in the resolving clause.

The amendment was adopted.

The resolution as amended was adopted.

#### Reports of Standing Committees

Senator Ramsey, by unanimous consent, submitted at this time the following reports:

Senate Chamber,  
Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 518, A bill to be entitled "An Act authorizing the commissioners' court in all counties having a population of not less than one hundred and five thousand (105,000) and not more than one hundred and ninety thousand (190,000) inhabitants, according to the last preceding Federal

Census, to determine the maximum annual salary to be paid an officer named in Section 13, of Chapter 465 of the Acts of the Second Called Session of the Forty-fourth Legislature, where such officer's salary was based upon population under the laws existing on August 24, 1935, on the basis of the population of said county, according to the last preceding Federal Census; provided that the commissioners' courts in said counties are authorized to fix the maximum annual salary for the balance of the fiscal year 1941 after the effective date of this Act on the basis of the Federal Census of 1940 and thereafter according to the last preceding Federal Census; and declaring an emergency."

Have had the same under consideration and we desire to report back to the Senate with recommendation that it do pass as amended and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 711, A bill to be entitled "An Act providing for a more adequate and equitable salary and increasing the amount for office and travel expenditures for county superintendents of public instruction in all those counties of Texas coming within the brackets and population figures herein; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 881, A bill to be entitled "An Act providing for the allowance of expenditures for office and traveling expenses of the county superintendent of public instruction in certain counties to apply both when such counties have a school superintendent

and when the county judge is the ex-officio county superintendent; repealing all laws or parts of laws in conflict; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Committee Room,  
Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 415, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than twenty-seven thousand sixty-nine (27,069), and not more than twenty-seven thousand one hundred fifty (27,150), according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling, providing for the purchase of automobiles by the county for the use of the county commissioners on official business, providing for the method of purchase; and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Committee Room,  
Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 358, A bill to be entitled "An Act amending Article 1041, Title 15, Code of Criminal Procedure, Revision of 1925, as amended by S. B. No. 101, Chapter 7, of the Forty-fifth Legislature, Regular Session, by providing that in counties having a population in excess of seventy-five thousand (75,000) inhabitants according to the last preceding or any future Federal Census, the commissioners' court may allow each jail guard, jailer, matron or turnkey, a monthly salary of One Hundred Fifty (\$150.00)

Dollars per month; and declaring an emergency."

Have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senator Kelley, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 873, A bill to be entitled "An Act to amend Chapter 83, S. B. No. 179, of the General Laws passed by the Forty-first Legislature of the State of Texas, Second Called Session, by amending Section 4 of said Act to provide that no person shall be certified to teach in the public schools of the State of Texas until he has secured credit for the course in both Federal and State Constitution of the grade of instruction upon which he is applying for the certificate; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 613, A bill to be entitled "An Act to amend S. B. No. 297, passed by the Regular Session of the Forty-sixth Legislature relative to the execution by teachers and school employees of assignments of salaries or wages and providing that such assignments shall be valid and enforceable, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President  
of the Senate.

Sir: We, your Committee on  
Education, to whom was referred

H. B. No. 847, A bill to be entitled  
"An Act prescribing the maximum  
amount that may be allowed by  
county boards of trustees to ex  
officio county superintendents for ex  
penditures for traveling in counties  
with a population of not less than  
nine thousand and seventy nor more  
than nine thousand, two hundred,  
etc.; and declaring an emergency."

Have had the same under consid  
eration and I am instructed to re  
port it back to the Senate with the  
recommendation that it do pass and  
be not printed.

KELLEY, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President  
of the Senate.

Sir: We, your Committee on  
Education, to whom was referred

H. B. No. 312, A bill to be entitled  
"An Act amending Article 2843 of  
the Revised Civil Statutes 1925, of  
the State of Texas providing for a  
uniform free textbook system; and  
declaring an emergency."

Have had the same under consid  
eration and I am instructed to re  
port it back to the Senate with the  
recommendation that it do pass and  
be printed.

KELLEY, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President  
of the Senate.

Sir: We, your Committee on  
Education, to whom was referred

H. B. No. 797, A bill to be entitled  
"An Act making permanent Roane  
Independent School District No. 93,  
situated in Navarro County, without  
regard to number of scholastics  
therein; and declaring an emer  
gency."

Have had the same under consid  
eration and I am instructed to report  
the same back to the Senate with  
the recommendation that it do pass  
and be not printed.

KELLEY, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President  
of the Senate.

Sir: We, your Committee on  
Education, to whom was referred

H. B. No. 64, A bill to be entitled  
"An Act to validate the organization  
and creation of all school districts,  
including common school districts, in  
dependent school districts, consoli  
dated common school districts, all  
county line school districts, etc.; and  
declaring an emergency."

Have had the same under consid  
eration and I am instructed to report  
it back to the Senate with the recom  
mendation that it do pass and be  
printed.

KELLEY, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President  
of the Senate.

Sir: We, your Committee on  
Education, to whom was referred

H. B. No. 370, A bill to be entitled  
"An Act authorizing the sale of all  
United States Treasury Bonds held  
for the account of the Permanent  
School Fund at September 1, 1940;  
and declaring an emergency."

Have had the same under consid  
eration and I am instructed to report  
it back to the Senate with the recom  
mendation that it do pass and be  
printed.

KELLEY, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President  
of the Senate.

Sir: We, your Committee on  
Education, to whom was referred

H. B. No. 618, A bill to be entitled  
"An Act to amend Article 2779 of  
the 1925 Revised Civil Statutes of  
Texas by adding Article 2779a, to  
provide for the election of tax as  
sessors and collectors in independent  
school districts under certain circum  
stances; etc.; and declaring an emer  
gency."

Have had the same under consid  
eration, and I am instructed to re  
port the same back to the Senate  
with the recommendation that it do  
pass and be printed.

KELLEY, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President  
of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 691, A bill to be entitled "An Act to amend an Act passed by the Thirty-fourth Legislature, convened at the City of Austin, on January 12, 1915 and adjourned March 20, 1915, creating McAllen Independent School District, same being H. B. No. 677, Chapter 82, General and Special Laws of said Legislature, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President  
of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 774, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts having a scholastic population, according to the 1940-1941 scholastic census, of not less than three hundred and forty-four and not more than three hundred and forty-seven approved scholastics, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President  
of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 908, A bill to be entitled "An Act to provide for the maintenance and bond tax rate for school purposes in all common school districts in counties having a population of not less than twenty-three thousand, nine hundred and nine and not more than twenty-three thousand,

nine hundred and fifteen inhabitants, according to the last preceding Federal census, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President  
of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 918, A bill to be entitled "An Act applicable to all counties in this State having a population of not less than fifty thousand, nine hundred and fifty, nor more than fifty-one thousand, one hundred, in all counties having a population of not less than thirty-four thousand, nor more than thirty-five thousand, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President  
of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 922, A bill to be entitled "An Act to fix the maximum rate of tax to be levied in all independent school districts having a scholastic population of not more than sixty-four hundred and seventy-five, nor less than sixty-four hundred and twenty-five, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President  
of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 948, A bill to be entitled "An Act creating Eolian Common

School District No. 4 wholly established in Stephens County, Texas, including therein the present Eolian Common School District, and certain territory in Stephens County not now a part of said district, defining its metes and bounds within Stephens County; etc; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Senator Weinert, by unanimous consent, submitted the following report:

Committee Room,  
Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 436, A bill to be entitled "An Act to amend Article 3333 of Title 54 of the Revised Civil Statutes of Texas, Revision of 1925, as amended, by providing that the citation therein provided to be issued by the clerk shall be directed to the sheriff, or any constable of the county where the proceeding is pending, validating written wills heretofore probated and letters of administration heretofore granted upon citations or notices not so directed, but conforming to the other requirements of said Article 3333, providing that this amendment shall not apply in certain cases; and declaring an emergency."

Have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

#### House Bill 729 on Second Reading

On motion of Senator Kelley and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 729 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 729, A bill to be entitled "An Act authorizing eligible cities and towns as defined herein to issue refunding bonds; prescribing the method of their issuance; providing

the methods of securing and paying such bonds; enacting other provisions relating to the subject; making this Act cumulative of other laws; providing that it shall take precedence over other laws general or special, in conflict or inconsistent herewith; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 729 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 729 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten                      Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

## Absent—Excused

Cotten

Spears

## Night Session to Consider Local and Uncontested Bills

On motion of Senator Metcalfe and by unanimous consent, the Senate agreed to hold a session next Tuesday, May 6, 1941, at 8:00 o'clock p. m. for the purpose of considering local and uncontested bills.

## House Bills on First Reading

The following bills, received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. Nos. 877, 879, 876, 845, 880, and 878, to Committee on Banks and Banking.

H. B. Nos. 974, 894, 822, 115, 902, and 953, to Committee on Civil Jurisprudence.

H. B. Nos. 862, 620, 331, 958, 928, 773, and 957, to Committee on Education.

H. B. Nos. 832, 633, 858, 863, 905, 910, 956, 959, 889, 899, 840, 897, 960, and 920, to Committee on Counties and County Boundaries.

H. B. Nos. 980, 933, 931, 925, 903, 882, 978, 975, and 674, to Committee on Game and Fish.

H. B. No. 663, to Committee on Agriculture.

H. B. Nos. 543, 900, 860, 861, and 939, to Committee on Civil Jurisprudence.

H. B. Nos. 866 and 564, to Committee on Finance.

H. B. Nos. 946, 947, and 914, to Committee on Highways and Motor Traffic.

H. B. No. 718, to Committee on Oil, Gas and Conservation.

H. B. No. 901, to Committee on Public Health.

H. B. No. 819, to Committee on Public Lands and Land Office.

H. B. Nos. 821, 454, and 871, to Committee on State Affairs.

H. B. No. 923, to Committee on State Departments and Institutions.

## Reference of House Concurrent Resolutions 92 and 106

H. C. R. No. 92 and H. C. R. No. 106, received from the House today, were laid before the Senate, read and referred to the Committee on State Affairs.

## Reports of Standing Committee

Senator Weinert, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 335, A bill to be entitled "An Act to amend Article 324, Revised Civil Statutes, etc., relating to the appointment of assistant district attorneys in any judicial district in this State consisting of more than one county in which there is situated a city of not less than thirty-four thousand (34,000) nor more than forty-four thousand (44,000) people; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 279, A bill to be entitled "An Act to amend Section 2 of S. B. No. 575, Acts of the Forty-second Legislature, Regular Session, approved April 30, 1931, being an Act to establish a system of public roads and bridges for Bexar County and granting certain powers to the commissioners' court of said county with reference thereto; authorizing the commissioners' court to hire all necessary road machinery, tools, or teams, and by agreement of the parties to apply the rental upon the purchase price thereof in the event the county purchases the same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 793, A bill to be entitled "An Act to authorize all independent school districts in certain counties [not less than nine thousand two hundred (9,200) nor more than nine thousand two hundred fifty (9,250) inhabitants] to pay present outstanding legal indebtedness of the said school districts by refunding warrants to bear interest, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

#### House Bill 436 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 436 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 436, A bill to be entitled "An Act authorizing the commissioners' court in each county in this State having a population of not less than thirty thousand three hundred and sixty (30,360), nor more than thirty thousand four hundred (30,400), according to the last preceding Federal Census, to allow each county commissioner certain expense for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction work on public roads of the county; requiring each such commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 436 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 436 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten

Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten

Spears

Senator Van Zandt moved that the vote by which H. B. No. 436 was finally passed be reconsidered, and asked to have the motion spread upon the Journal.

#### House Bill 881 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 881 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 881, A bill to be entitled "An Act providing for the allowance of expenditures for office and traveling expenses of the county superintendent of public instruction in certain counties to apply both when such counties have a school superintendent and when the county judge is the ex officio county superintendent; repealing all laws or parts of laws in conflict; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 881 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 881 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten

Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Hazlewood
Beck	Hill
Brownlee	Isbell
Chadick	Kelley
Fain	Lanning
Formby	Lemens
Graves	Lovelady

Martin	Stone
Mauritz	Sulak
Metcalf	Van Zandt
Moffett	Vick
Moore	Weinert
Ramsey	Winfield
Shivers	York
Smith	

Absent—Excused

Cotten

Spears

#### Committee Substitute House Bill 29 on Second Reading

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 29 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

C.S.H.B. No. 29, A bill to be entitled "An Act to amend Chapter 5, Title 14, of the Penal Code of Texas of 1925, as amended, by amending Articles 1037 and 1037a relating to weights and measures, and by adding the new Articles numbered as follows: Articles 1037b, 1037c, 1037d, 1037e, 1037f, 1037g, 1037h, 1037i, and 1037j; prohibiting the sale, use, or possession of false weights, measures, or weighing or measuring devices and weights, measures, or weighing or measuring devices which have not been sealed by a weights and measures official; prohibiting the sale and use of devices which have been condemned for repairs; prohibiting the sale of commodities contrary to law; requiring commodities to be sold by weight, measure, or numerical count; regulating the packing and marking of packages and containers; requiring the net quantity of contents of such packages or containers to be plainly and conspicuously marked on the outside of package or container; requiring the name and address of manufacturer, packer, or distributor on package; providing for certain variations in weight; prohibiting deceptive pack; providing for standard of fill of containers; providing standards for the sale of butter, bread, milk, meat and meat food products, including poultry; prohibiting misrepresentation of price or quantity of commodity, thing, or service; providing for establishment of rules and regulations, including a standard net weight, net measure, or net numerical count for commodities,

products or articles, and including certain exemptions; defining certain terms; providing penalties for the enforcement of the Act; specifically repealing certain Acts and repealing all other laws in conflict; including a saving clause; and declaring an emergency."

The bill was read second time.

Senator Martin offered the following amendment to the bill:

Amend H. B. No. 29 committee substitute, by inserting after the word "length" and in front of the word "by" in line 4, Section B, the following: "by measure of capacity."

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend committee substitute to H. B. No. 29, by striking out of Section B, the following in line 55, the word "Provided" and by striking out all of lines "56" and "57."

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend committee substitute H. B. No. 29 by striking out of Section C, sub-section 2, all the language following the word "Section" in line 29, appearing in such sub-section.

The amendment was adopted.

Senator Lovelady offered the following amendment to the bill:

Amend committee substitute to H. B. No. 29, division (a) of subdivision (1) of Section C, so as to hereafter read as follows: "the net quantity of contents in terms of measure, numerical count, net weight, or gross and tare weights."

The amendment was adopted.

Senator Chadick offered the following amendment to the bill:

Amend H. B. No. 29 by adding after Section D, of the printed bill, the following language: "Provided that this Act shall not apply to butter or eggs sold by the producer which is not to be offered for resale."

FORMBY,  
CHADICK.

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend committee substitute to H. B. No. 29, by adding to the end of Section H, the following, "Except and unless the other weight is plainly

marked on the package or plainly stated in the contract of sale, if sale is made by contract."

MARTIN,  
LOVELADY.

The amendment was adopted.

Senator Graves offered the following amendment to the bill:

Amend committee substitute for H. B. No. 29, by striking out the words "one and one-half (1½) pounds," on line eleven (11), page four (4).

Question—Shall the amendment be adopted?

(President in the Chair.)

#### Message from the House

The Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. C. R. No. 10 by a vote of 113 ayes, 0 noes.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### House Bill 360 on Second Reading

On motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 360 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 360, A bill to be entitled "An Act authorizing the commissioners' court in each county in this State having a population of not less than eleven thousand, five hundred and forty (11,540) nor more than eleven thousand, five hundred and seventy (11,570), and in any county having a population of not less than twelve thousand, three hundred and eighty (12,380), nor more than twelve thousand, three hundred and ninety (12,390), according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling and in connection with the use of his

automobile on official business only and/or in overseeing the construction work on public roads of the county; requiring each such commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county; and declaring an emergency."

The bill was read second time.

Senator Hazlewood offered the following amendment to the bill:

Amend H. B. No. 360, by striking all of Section 1 thereof, and inserting in lieu thereof the following:

"Section 1. In any county in this State containing a population of not less than ten thousand three hundred twenty-five (10,325) nor more than ten thousand three hundred fifty (10,350), and nineteen thousand twenty-five (19,025) nor more than nineteen thousand seventy (19,070), and twenty-three thousand nine hundred (23,900) nor more than twenty-three thousand nine hundred fifty (23,950), and fifty-four thousand two hundred twenty-five (54,225) nor more than fifty-four thousand three hundred (54,300), according to the last preceding Federal Census, the commissioners' court is hereby authorized to allow each commissioner not more than the sum of thirty-five (\$35.00) Dollars per month to be paid out of the road and bridge fund of each respective commissioner's precinct, for traveling expenses and depreciation on the automobile while used on official business only and/or in overseeing the construction and maintenance of the public roads of said counties. Each such commissioner shall pay all expenses in the operation of such automobile and keep same in repair at his own expense, free of any other charge whatsoever to the county; provided, however, that such expenses not to exceed Thirty-five (\$35.00) Dollars per month must be itemized, sworn to and filed for record with the county clerk." And amend caption accordingly.

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 360 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 360 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

#### Absent—Excused

Cotten	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

#### Absent—Excused

Cotten	Spears
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#### Bill and Resolution Signed

The President signed in the presence of the Senate, after their captions had been read, the following bill and resolution:

H. B. No. 345, A bill to be entitled "An Act making an emergency appropriation for the remaining portion of the fiscal year ending August 31, 1941, to assist in the maintenance of a newly established quarantine patrol station necessary to the enforcement of the provisions of Article

135A Vernon's Revised Civil Statutes of Texas, 1925, and to pay salaries of quarantine inspectors for the operation of this station, and of agents of the Department of Agriculture in carrying out an extension of the harvesting season as provided for in the statute referred to; and to pay the salaries of two (2) floral inspectors for the remaining part of the fiscal year in order to properly enforce the provisions of the Texas Orchard and Nursery Inspection Law, Chapter VII, Revised Civil Statutes of 1925, and Chapter X, Revised Criminal Statutes of 1925; and declaring an emergency."

H. C. R. No. 110, Authorizing certain corrections in enrolled copy of H. B. No. 8.

#### Senate Bill 453 on First Reading

Senator Sulak moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten                      Spears

The following bill then was introduced, read first time and referred to the Committee on Counties and County Boundaries:

By Senator Sulak:

S. B. No. 453, A bill to be entitled "An Act fixing the compensation of county officers in all counties in the State of Texas having a population of more than twenty-nine thousand two hundred and forty (29,240) and less than twenty-nine thousand three hundred and forty (29,340), according to the last preceding Federal Census;

repealing all laws and parts of laws in conflict herewith to the extent of such conflict only; and declaring an emergency."

#### House Bill 577 on Second Reading

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 577 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 577, A bill to be entitled "An Act prescribing additional duties for county auditors in all counties having not less than forty-one thousand (41,000) inhabitants and not more than forty-two thousand, one hundred (42,100) inhabitants, according to the last preceding Federal Census; fixing the salaries of such county auditors; providing mode and manner of payment thereof; repealing all laws in conflict therewith; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 577 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 577 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten                      Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

## Absent—Excused

Cotten

Spears

## House Bill 540 on Second Reading

On motion of Senator Fain and by unanimous consent, the regular order of business was suspended; to permit consideration of H. B. No. 540 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 540, A bill to be entitled "An Act providing for the sale and transfer by the Texas Prison Board of certain land in the City of Huntsville, Walker County, to United Gas Corporation, in exchange for a tract of land in Huntsville, Walker County, to be conveyed by United Gas Corporation to the Texas Prison Board; authorizing and empowering the Texas Prison Board to make the exchange of said properties and authorizing the chairman or vice-chairman to execute a deed of conveyance to be attested by the board's secretary; and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 540 on Third Reading

Senator Fain moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 540 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

## Absent—Excused

Cotten

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

## Absent—Excused

Cotten

Spears

## Report of Standing Committee

Senator Lemens, by unanimous consent, submitted at this time the following report:

Senate Chamber,  
Austin, Texas,  
May 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 32, A bill to be entitled "An Act making it unlawful and a

felony for any person to steal any mercury used in a gas meter or measuring device or regulating device; providing for a penalty for violation of the terms of this Act; providing that it shall be prima facie evidence that mercury has been stolen to have such mercury in one's possession or to transport the same without a bill of sale or, not having a bill of sale, to be otherwise unable to establish title thereto; defining the term 'steal' and providing that such word need not be defined in any indictment for prosecution under the terms of this Act; providing that the Act shall be cumulative of all laws of the State; authorizing the prosecution thereunder whether or not the acts complained of constitute the essential elements of other or different offenses against the Penal Laws; providing a saving clause; and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

LEMENS, Chairman.

#### Hour to Which Senate Shall Adjourn Fixed

Senator Martin moved that when the Senate adjourns today it shall stand adjourned until 10:00 o'clock a. m. next Monday, May 5, 1941.

Senator Fain moved that the Senate recess until 10:00 o'clock a. m. tomorrow.

Senator Moore moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Martin, yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—13

Chadick	Metcalf
Graves	Moffett
Lanning	Shivers
Lemens	Vick
Lovelady	Winfield
Martin	York
Mauritz	

#### Nays—12

Aikin	Isbell
Beck	Kelley
Brownlee	Moore
Fain	Stone
Hazlewood	Sulak
Hill	Van Zandt

#### Absent

Formby	Smith
Ramsey	Weinert

#### Absent—Excused

Cotten	Spears
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#### At Ease

By unanimous consent, the Senate agreed to stand at ease until the enrolled copy of H. B. No. 8 is ready to be signed by the President of the Senate and then to stand adjourned until 10:00 o'clock a. m. Monday, May 5, 1941.

Accordingly, the Senate stood at ease from 5:50 o'clock p. m., until 11:35 o'clock p. m.

#### Bill Signed

The President called the Senate to order at 11:35 o'clock p. m. and signed in the presence of the Senate, after its caption had been read, the following enrolled bill:

H. B. No. 8, A bill to be entitled "An Act levying and allocating certain taxes, and providing revenues for the payment of old age assistance, aid to destitute children, aid to needy blind, obligations of the State under Teachers Retirement Act, and paying other expenses and obligations of the State; containing Article I amending Section 2 of Chapter 162, Acts, Regular Session, Forty-third Legislature, as amended by Acts, Forty-third Legislature, First Called Session, Chapter 12, Section 1, as amended by Forty-fourth Legislature, Third Called Session, Chapter 495, Article 4, Section 4, levying an occupation tax upon the production and salvage of oil within this State, defining certain terms, establishing the liability for said tax, providing for the computation, collection, administration and allocation thereof, the keeping and making of records and reports, providing for penalties and interest and the effective date of said amendment; containing Article II amending Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9, Chapter 73, Acts of the Regular Session of the Forty-second Legislature, as amended by Chapter 495, Article 4, Section 8, Acts, Third Called Session of the Forty-fourth Legislature as amended by Chapter 3 and Chapter 4 of Subdivision II of the Title Taxes and Taxation, of the Acts of the Regular Session of

the Forty-sixth Legislature, levying certain occupation taxes on natural and casing-head gas within this State, and a tax upon the first sale in intrastate commerce of gas imported into this State, providing exemptions from said tax, defining terms, establishing the liability therefor, providing for the collection, enforcement, payment, and administration thereof, and making an allocation and appropriation for same, providing for the credit of excess taxes paid through error, providing for certain penalties, interest, attorney's fees and court costs, providing for records and reports and computation of the tax, providing the powers, duties and authority of various State officers; authorizing injunctive relief, and fixing venue, providing for a prior lien on certain property and its enforcement for delinquent taxes, penalties and interest, providing for the creation of a gas audit fund, and the moneys to be placed therein and their disbursement, authorizing suits for collection of all sums due, and fixing venue, providing a tax on certain liquid hydrocarbons, providing that pending lawsuits and certain contracts or lease agreements shall not be affected, providing that certain records, reports and audits shall be admissible in judicial proceedings and shall be prima facie evidence of the contents thereof, with certain limitations and the use and effect of such instruments as exhibits, providing for the making of certain affidavits by the Comptroller and their effect, providing for notice of change of ownership or control of leases, making violation of certain provisions of the Act a misdemeanor and providing the punishment therefor; containing Article III repealing Chapter 74, Acts, Fifth Called Session, Forty-first Legislature, and H. B. No. 251, Chapter 212, Section 1, Acts of the Regular Session of the Forty-second Legislature and by Acts, Forty-fourth Legislature, Third Called Session, Chapter 495, Article 4, Section 6, except as to sulphur produced prior to the effective date of this Act, and providing an occupation tax upon the production of sulphur, providing for the computation, collection and enforcement of the tax and the making, keeping, preserving and filing of reports and records and their inspection, providing certain penalties and interest, defining terms, providing powers, duties and authority of certain officials; containing Article IV amending Article 7070, Revised Civil Statutes of Texas, 1925, as amended by Acts, Third Called Session, Forty-fourth Legislature, 1936, Chapter 495, Article 4, Section 1, House Bill No. 8, by providing classifications and prescribing the rate of tax therefor, providing a limitation upon cities or other political subdivisions levying an occupation tax or charge upon those subject to this Article; containing Article V amending Article 7060 Revised Civil Statutes of Texas, 1925, as amended by Chapter 34, Acts of the Fifth Called Session of the Forty-first Legislature, as amended by Article IV, Section 3, Chapter 495, Acts of the Third Called Session of the Forty-fourth Legislature by providing increased rate of taxation and providing for the payment of gross receipts taxes in towns of over one thousand (1,000) and less than two thousand, five hundred (2,500) inhabitants; prohibiting cities and other political subdivisions from levying an occupation tax or charge of any sort on utilities taxed hereunder, except such ad valorem taxes as are authorized by law; providing that this Article shall not be construed as altering or impairing contracts or franchises; providing that where otherwise lawful cities may, by ordinance, levy a charge not to exceed two (2) per cent of gross receipts for the use of streets, alleys and public ways by a utility, and providing for certain credits thereon for payments made to cities under a contract or franchise; and providing that hereafter utilities taxed under this Article shall not pay the license fee imposed in Article 5a, H. B. No. 18, Chapter 400, Acts of the Forty-fourth Legislature, for the privilege of selling gas or electric appliances and parts for the repair thereof in towns of three thousand (3,000) or less; containing Article VI levying a tax upon every retail sale of every motor vehicle sold in this State; levying a use tax upon every motor vehicle purchased at retail sale outside of this State and brought into this State for use upon the public highways thereof by a resident of this State, or by firms or corporations domiciled or doing business in this State; defining the terms 'sale,' 'retail sale,' and 'motor vehicle'; providing that the tax levied under such Article

shall be in addition to any and all license fees and taxes imposed under the laws of this State; providing for the collection and payment of said tax and the issuance of receipts therefor and providing for the distribution of the money collected; containing an Article VII, with Section 1 thereof, amending Section 21 of Article I, Chapter 467, Acts of the Second Called Session, Forty-fourth Legislature, as amended by Section 3, Article III, H. B. No. 8, Chapter 495, Acts, Third Called Session, Forty-fourth Legislature, and as further amended by Section 26 of Article I of Chapter 448, being H. B. No. 5, Acts, Regular Session, Forty-fifth Legislature levying certain taxes on liquors, and Section 2 thereof requiring stamps for distilled spirits to be furnished at a discount when purchased in large lots, and Section 3 thereof making certain provisions for the use and allocation of such taxes, and Section 4 thereof providing that the tax shall apply to all liquors held for the purpose of sale, requiring an inventory thereof and providing penalties, civil and criminal, for failure to render such inventory, and Section 5 thereof providing for the furnishing of stamps, and that unstamped liquors are illicit and subject to seizure and the person in possession subject to prosecution, and Section 6 thereof authorizing the Texas Liquor Control Board to make rules and regulations, Section 6a appropriating Twenty-five Hundred (\$2,500) Dollars to defray costs of printing stamps, and Section 7 providing the effective date; containing Article VIII amending Article 7084 of Chapter 3 of Title 122 of the Revised Civil Statutes of Texas of 1925, as amended by Acts, 1930, Forty-first Legislature, Fifth Called Session, page 220, Chapter 68, Section 2, as amended by Acts, 1931, Forty-second Legislature, page 441, Chapter 265, Section 1, by defining certain terms, prescribing the rate of tax and the minimum tax, providing for the method and manner of computing said tax and a minimum basis of computation, removing certain corporations from the provisions of paragraph (b) of said Statute, providing present total exemptions shall not be effected, providing the rate for public utility corporations and setting a minimum basis for value for computation, limiting the effectiveness of the Act and provid-

ing that Chapter 36, page 161, Forty-fifth Legislature, Acts, 1937, shall not hereby be changed, altered or amended; providing for the immediate effectiveness of this amendment and the making of supplemental reports and payment of supplemental tax from the effective date of this Act to May 1, 1942, providing for forfeiture of right to do business and authorizing the Secretary of State to promulgate rules and regulations; containing an Article IX amending Article 1, Chapter 467, Second Called Session, Forty-fourth Legislature, as amended, adding a new Section levying a stamp tax on liquor prescriptions and providing means and manner of collection and enforcement thereof, making it unlawful to sell any liquor on an unstamped prescription, allocating the funds, making an appropriation for certain administrative purposes, and providing effective date; containing an Article X levying a luxury excise tax on playing cards and on new radios and new cosmetics, providing authority and means for the collection and enforcement thereof, also requiring the filing of reports, making the failure to file such reports a misdemeanor and providing punishment therefor, making it perjury to file false reports and imprisonment in the penitentiary for one (1) to three (3) years the punishment, setting aside an enforcement fund, and providing allocations; containing Article XI levying an occupation tax on the manufacturing or producing of Class A and Class B carbon black in this State; defining 'Class A' and 'Class B' carbon black; defining market value, providing for the collection of said tax; providing for the method of computing the tax; providing for the keeping of records by the distributor; providing for injunctions and fixing venue; providing for penalty and interest and giving the State a lien; defining the term 'carbon black'; providing that this tax is in lieu of the tax imposed by Section 7 of Article 4 of H. B. No. 8, Chapter 495, Acts, Third Called Session, Forty-fourth Legislature, repealing same except as to all carbon black manufactured as produced prior to the effective date of this Act; providing how the tax shall be allocated; containing Article XII amending Sub-section (1) of the Sub-section 41 of Chapter 212 of Acts of the Regular Session of the Forty-

second Legislature; containing Article XIII amending Article 7105, Revised Civil Statutes, 1925, as amended by Acts, 1933, Forty-third Legislature, page 409, Chapter 162, Section 12, to include therein motor bus companies and common carrier motor carriers; defining terms; providing for the apportionment of said tax on motor bus companies and common carrier motor carriers and exempting Electric Interurban Railway Corporations from this Article; containing Article XIV levying an occupation tax on motor bus companies, motor carriers and contract carriers; defining terms; providing for the collection thereof; exempting from the provisions of Article XIV of this Act carriers of persons or property who are required to pay an intangible assets tax; exempting from the provisions of said Article individuals, partnerships, companies, associations, or corporations engaged exclusively in the business of transporting logs or timber in its natural state; containing a saving clause; providing that the tax levied hereunder is in addition to other fees and ad valorem taxes otherwise assessed; providing for the allocation of said taxes; containing Article XV, levying a tax on all sales, agreements to sell, or memoranda of sales, and all deliveries or transfers of shares, or certificates of stock, or certificates for rights to stock, or certificates of deposit representing an interest in or representing certificates made taxable under Section One (1) in any domestic or foreign association, company, or corporation, or certificates of interest in any business conducted by trustee or trustees, on each One Hundred (\$100) Dollars of face value or fraction thereof, three (3) cents, except where shares or certificates are issued without designated monetary value the tax shall be three (3) cents for each share; imposing the duty on the person or persons making or effectuating the sale or transfer to procure, affix and cancel stamps and pay the tax; providing certain exemptions; providing that a certificate setting forth facts shall accompany certain transactions; providing manner for indicating payment of tax; providing method and manner for affixing and cancellation of stamps; providing for the making, delivering and context of a bill or memorandum of sale and a duplicate

thereof; providing that the Comptroller shall prepare adhesive stamps in such form, denomination and quantities as he may prescribe and for the sale thereof; providing that the County Clerk of each county is made the agent of the Comptroller for the purpose of making sale of such stamps, under such regulations as may be prescribed by the Comptroller; making certain acts relating to sales and transfers without fixing stamps a misdemeanor and providing punishment therefor; making it a misdemeanor for failure to cancel the stamp or stamps in the manner prescribed herein and providing the punishment therefor; defining certain misdemeanors in relation to the handling, removing or counterfeiting of stamps and providing a penalty therefor; providing for records; providing the manner of evidence of payment of the tax; providing for the examination of records and the bringing of suits for collections of tax and penalty; defining certain misdemeanors in connection with the keeping of records and prescribing penalties therefor; providing certain transfers on which the tax has not been paid shall not be made the basis of any action or legal proceedings nor shall proof thereof be received in evidence; providing certain penalties for failure to comply with the provisions of this Article; providing for the recovery thereof by suit and providing that the money so collected shall be paid into the State Treasury; providing for the recovery of money erroneously paid hereunder and providing for certain exemptions from this Article; containing an Article XVI, an addition to Chapter 2 of Title 122, Revised Civil Statutes of Texas of 1925, levying a tax upon certain services performed in connection with the cementing of the casing seats of oil and gas wells, the shooting and acidizing of such wells and the surveying and testing of the sands or other formations of earth in such wells; requiring the making and keeping of reports and records; providing penalties for violations; fixing liens to secure; containing a severability provision; containing an Article XVII levying an occupational or excise tax on the first sale, distribution, or use of motor fuel in this State with certain exceptions, exemptions, and deductions; defining certain words, terms, and phrases; requiring the

distributor making the first sale or distribution to collect said tax from the purchaser or recipient of said motor fuel and to pay to the State of Texas the tax so collected and the tax on motor fuel used by said distributor; providing that the tax so collected shall be added to selling price upon each subsequent sale so that such tax is ultimately paid by the person using or consuming said motor fuel for the purpose of generating power for the propulsion of any motor vehicle upon the public highways; requiring the tax to be posted separately from price of motor fuel wherever sold in this State; providing that said tax shall be in lieu of any other occupational or excise tax imposed by the State or any political subdivision thereof on the sale, distribution or use of motor fuel; fixing the time and manner of payment to the State of the tax collected upon the sale and distribution and accruing upon the use of motor fuel; requiring reports to be made and filed with the Comptroller by distributors and other persons selling motor fuel and setting forth the information to be contained in said reports; authorizing the Comptroller to audit distributors, dealers, and other persons; providing that said tax shall be collected for the use and benefit of the State of Texas and prescribing a felony and fixing the penalty for wilfully failing or refusing to pay any tax so collected to the State of Texas on or before the date such payment is due; prescribing a felony and fixing the penalty upon certain persons who shall fraudulently misapply or convert to their own use tax funds collected for the use of and required to be paid over to the State of Texas; providing that the Comptroller may authorize the sale or distribution of certain taxable products, without collecting said tax, to bonded and licensed distributors for certain purposes, and requiring the distributor purchasing said products to keep records, make reports, and issue manifests for such sales and to pay the tax levied upon any subsequent taxable sale of said products; providing that an application shall be filed and a distributor's permit obtained as a prerequisite to engage in the selling, distributing, or using of motor fuel upon which a tax is required to be paid and setting forth the information to be contained in said applica-

tion and permit; requiring distributors to furnish a surety bond or in lieu thereof to deposit cash or acceptable securities in the Suspense Account of the State Treasurer, conditioned upon and guaranteeing the faithful compliance with the provisions of this Article; setting forth the terms, conditions, and limitations of said bonds and provisions of the Article applicable to said bonds and the sureties thereon; authorizing the Comptroller to require distributors to make reports and pay taxes collected and accruing at fixed intervals shorter than one month in the event a maximum bond shall become insufficient; providing that all taxes, penalties, interest, and costs due, or required to be paid, to the State by a distributor shall be secured by a preferred lien, first and prior to any and all existing liens, contract or statutory, legal or equitable, upon all the property of said distributor, including all cash, accounts and notes receivable, and all other property devoted to or used by said distributor in his business as a distributor; requiring and regulating the keeping of records for a period of two (2) years by distributors and dealers and describing said records to be kept; requiring persons transporting any product required to be recorded upon a manifest to carry said manifest covering his cargo at all times, with exceptions, and requiring the issuance of a manifest upon each subsequent sale from said cargo; requiring and regulating the records and reports to be made and kept by common and contract carriers; providing that certain products shall be collected and conserved for sale, distribution, or use, or shall be neutralized or destroyed to prevent their use as motor fuel; providing for refund of tax upon motor fuel used for purposes other than propelling a motor vehicle upon the public highways and requiring persons who sell motor fuel for refund purposes to file an application for and to obtain a refund dealer's license from the Comptroller as a prerequisite to such sales; prescribing penalties for violation of the refund section and prohibiting the issuance of warrants in payment of refunds under certain conditions; providing for the issuance of invoices of exemption by the Comptroller to be used and accounted for by refund dealers; describing the information to be contained in in-

voices of exemption and providing for the filing of refund claims and the information to be contained in said claims; providing for a filing fee and appropriating the same; imposing a tax upon the use of liquefied gases and other liquid fuels when used to propel a motor vehicle upon the public highways, and requiring users of such products to obtain a permit or certificate thereof and furnish a bond for each vehicle using said products, with exceptions; prescribing the form, terms, and conditions of said bond and setting forth the provisions affecting said bonds and the sureties thereon; requiring users of said products to keep records, make reports and pay the tax to the Comptroller, and describing the information to be contained in said reports; providing that all taxes, penalties, interest, and costs shall be secured by a preferred lien, first and prior to existing liens, upon the motor vehicle using said liquefied gases or other liquid fuels; prohibiting the sale of said products to any person not holding and exhibiting a valid permit or certificate thereof; prohibiting the connection from cargo tanks to carburetor of motor vehicles; authorizing the Comptroller and his authorized representatives to inspect premises and the equipment thereon where motor fuel, crude petroleum, natural gas, or any derivatives or condensates thereof, are produced, made, stored, transported, sold, or offered for sale or exchange, to examine all books and records and take samples of all such products; authorizing the Comptroller to cancel or refuse issuance, extension, or reinstatement of any permit, license, or certificate, after hearing, for certain causes; providing for the time, place, and manner of said hearing and providing that all taxes collected or accrued shall become due and payable forthwith upon the cancellation of any permit or license; providing any aggrieved permittee or licensee shall have the right of appeal to the District Court of Travis County and describing the procedure in such appeals; providing for the observance of certain procedure in suits filed for taxes, penalties, and interest due or past due or for taxes collected and not paid to the State; providing that reports or certified copies thereof filed with the Comptroller by a distributor or any audit made by a representative

of the Comptroller from books and records of said distributor or from certain persons with whom said distributor has transacted business when properly certified to by the Comptroller or his Chief Clerk shall be admissible as prima facie evidence in said proceedings; provided, however, said prima facie presumption may be overcome by evidence adduced by the defendant; imposing certain penalties and forfeitures against and upon persons violating or failing to comply with provisions of this Article and providing for the recovery of said penalties and forfeitures by suits; fixing venue for any suit, injunction, or other proceeding at law for the collection of delinquent taxes, penalties, and interest accruing hereunder and the enforcements of the provisions of this Article; prescribing penalties and interest for failure to remit taxes collected or to pay taxes due upon the date required hereunder; providing that before a restraining order or injunction shall issue the applicant therefor shall pay into the Suspense Account of the Treasurer or furnish a surety bond to cover the taxes shown to be due by an audit of the Comptroller, and making Section 1, Chapter 310, Acts of the Regular Session of the Forty-fifth Legislature, applicable to such suits; providing that any proceedings to enjoin the enforcement of the provisions of this Article shall be in a court of competent jurisdiction in Travis County, Texas; authorizing the Comptroller or his representatives to measure, calibrate, and determine the capacity of any vehicle tank or container in which certain taxable products are transported; providing the Comptroller with authority to promulgate rules and regulations for regulating such vehicle tanks and containers; providing for the labeling and marking of such tanks and containers; providing for the issuance by the Comptroller of a measurement certificate to be carried with such vehicle tanks and containers; prescribing penalties for violating or failing to comply with the provisions of this Section; providing for the impoundment of motor vehicles transporting motor fuel or using liquefied gases or other liquid fuels in violation of the provisions of this Article; providing for the seizure and forfeiture of taxable motor fuel found in the possession or control of any person for the purpose

of being sold, transported, removed, concealed, or used by him in fraud of the provisions of this Article, and providing for the seizure and forfeiture of any motor vehicle used to transport such motor fuel and all equipment and paraphernalia or other tangible personal property used for or incident to such violations; providing for the court proceedings to be followed to perfect said forfeiture and proper procedure if defendant unknown or a nonresident; requiring appraisal and written report by Comptroller of property seized; providing for the sale of such property after judgment and allocating funds received from such sales; authorizing summary proceedings for sale of property under certain appraised value unless claimant files claim with Comptroller and posts bond to have forfeiture proceeding instituted and tried in court as provided by law; providing the forfeiture and sale of such property shall not serve to release defendant from criminal prosecution for any violation of this Article; authorizing Comptroller to waive forfeiture proceedings and require offender to pay a penalty of twice the amount of the tax due; providing that the Comptroller may require payment of tax and a penalty when motor fuel has been sold without payment of the tax levied herein; authorizing the Comptroller to promulgate rules and regulations and prescribing the manner of advertising notice of hearing and publishing such rules and regulations adopted; providing that the Comptroller or any duly authorized representative shall have the power to issue subpoenas, compel the attendance of witnesses, administer oaths, certify to official acts and compel the production of pertinent books, accounts, records and documents, providing that the district court having jurisdiction shall issue proper summons to witnesses who fail or refuse to obey any subpoena issued by the Comptroller; providing for punishment for contempt after hearing; appropriating funds for the enforcement of the provisions of this Article; allocating tax funds collected; prescribing a misdemeanor penalty and fixing punishment for certain violations of this Article; prescribing a felony penalty and fixing punishment for certain violations of said Article; providing that a conviction of a felony under Section 27 shall au-

tomatically forfeit the right of the offender to obtain a permit or license for two (2) years thereafter; fixing venue, and providing that the penalties prescribed in Section 27 shall apply and control over penalties prescribed in Section 26; repealing Chapter 44, Regular Session of the Forty-third Legislature, as amended by Chapter 240, Regular Session of the Forty-fourth Legislature, as amended by Chapter 3 and Chapter 8, Regular Session of the Forty-sixth Legislature and all other prior or existing Motor Fuel Laws, and providing this Act shall prevail over all laws or parts of laws that conflict herewith; providing that all taxes, penalties, and interest accruing to the State of Texas by virtue of any prior or existing Motor Fuel Laws before the effective date of this Act, shall be preserved and shall remain valid and binding obligations and all liens, bonds, and other obligations created shall remain in full force and effect; the punishment of offenses committed and the recovery of fines and forfeitures incurred under prior or existing Motor Fuel Laws shall take place as if the laws repealed had remained in force; providing that if any Section, sub-section, sentence, clause, or phrase is held to be invalid or unconstitutional for any reason such decision shall not affect the remaining portions of this Act; and containing Article XVIII amending Article 7064, Revised Civil Statutes of Texas of 1925, as amended; amending Article 7064a, Revised Civil Statutes of Texas of 1925, as enacted by H. B. No. 8, Third Called Session, Forty-fourth Legislature, and as amended; and amending Article 4769, Revised Civil Statutes of Texas of 1925, as amended; and containing Article XIX amending Section 5, H. B. No. 18, Chapter 400, Acts of the Forty-fourth Legislature, First Called Session, 1935, by exempting certain additional plans of business from the operation of the Act; providing that this Act shall not affect taxes, license fees, interest and penalty now due and owing to the State of Texas and providing how the tax should be allocated; containing an Article XX allocating revenues, other than that part allocated for enforcement purposes derived from the taxes collected under Chapter 241, Acts, Regular Session, Forty-fourth Legislature, also allocating all the revenues derived and

collected under the provisions of this Act, naming the various funds into which such revenues shall be deposited, and setting out the purposes for which same shall be used including assistance to the blind, to dependent and destitute children, the Teacher Retirement System and old age assistance; providing that such of said sums allocated to old age assistance as are not matched by the Federal Government shall not be expended for old age assistance but shall be paid into the General Revenue Fund of the State, along with other of such funds remaining in the Clearance Fund herein provided; containing an Article XXI fixing liens to secure payment of taxes, fines, penalties and interest, making purchasers of natural resources upon which a tax levied by this Act is due liable for such tax if he fails to deduct or withhold the amount thereof, preserving for the State all obligations, taxes, penalties and interest which have accrued by virtue of any law which is amended or repealed by this Act, providing that offenses committed or prosecutions commenced under any pre-existing law may be prosecuted under the law as it existed at the time of the commission of the offense; containing a severability provision; limiting certain appropriations and allocations to departments; repealing laws and parts of laws in conflict; providing governing rules should there be conflicts in fines, penalties, forfeitures and penal offenses; and containing an emergency clause."

#### Adjournment

At 11:45 o'clock p. m., the President declared the Senate adjourned until 10:00 o'clock a. m., Monday, May 5, 1941.

#### SIXTY-THIRD DAY

(Monday, May 5, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Formby
Beck	Graves
Brownlee	Hazlewood
Chadick	Isbell
Fain	Kelley

Lanning	Shivers
Lemens	Smith
Lovelady	Stone
Martin	Van Zandt
Mauritz	Vick
Metcalf	Weinert
Moffett	Winfield
Moore	York
Ramsey	

#### Absent—Excused

Cotten	Spears
Hill	Sulak

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 1, 1941, was dispensed with and the Journal was approved.

#### Leaves of Absence Granted

Senator Hill was granted leave of absence for today on account of important business, on motion of Senator Beck.

Senator Sulak was granted leave of absence for this week on account of important business, on motion of Senator Lovelady.

Senator Cotten was granted leave of absence for today on account of illness, on motion of Senator Chadick.

Senator Spears was granted leave of absence for today and tomorrow on account of important business, on motion of Senator Graves.

#### Reports of Standing Committees

Senator Smith submitted the following reports:

Austin, Texas,  
May 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 925, A bill to be entitled "An Act declaring an open season on killing the Golden Eagle or Mexican Brown Eagle in the State of Texas; and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Senate Chamber,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 978, A bill to be entitled "An Act repealing H. B. No. 386 of the Regular Session of the Forty-seventh Legislature; amending Section 3 of H. B. No. 12 of the Second Called Session of the Forty-second Legislature so as to permit fishing for certain species of fish in McLennan County during the month of February of any year; permitting the catching of certain fish at any time; repealing all laws or parts of laws in conflict with the provisions of this Act; and declaring an emergency."

Have had the same under consideration, and we desire to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 893,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 906,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 916,

Have had the same under consideration, and beg to report back with the

recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 952,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 949,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 445,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 892,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 903,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 859,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 674,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 936,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 585,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 933,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 975,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 937,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: We, your Committee on Game  
and Fish, to whom was referred

H. B. No. 931,

Have had the same under considera-  
tion, and beg to report back with the  
recommendation that it do pass and  
be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: We, your Committee on Game  
and Fish, to whom was referred

H. B. No. 882,

Have had the same under considera-  
tion, and beg to report back with the  
recommendation that it do pass and  
be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: We, your Committee on Game  
and Fish, to whom was referred

H. B. No. 921,

Have had the same under considera-  
tion, and beg to report back with the  
recommendation that it do pass and  
be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: We, your Committee on Game  
and Fish, to whom was referred

H. B. No. 924,

Have had the same under considera-  
tion, and beg to report back with the  
recommendation that it do pass and  
be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: We, your Committee on Game  
and Fish, to whom was referred

H. B. No. 927,

Have had the same under considera-  
tion, and beg to report back with the  
recommendation that it do pass and  
be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 4, 1941.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: We, your Committee on Game  
and Fish, to whom was referred

H. B. No. 932,

Have had the same under considera-  
tion, and beg to report back with the  
recommendation that it do pass and  
be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: We, your Committee on Game  
and Fish, to whom was referred

S. B. No. 441,

Have had the same under considera-  
tion, and beg to report back with the  
recommendation that it do pass and  
be not printed.

SMITH, Chairman.

Senator Aikin submitted the follow-  
ing reports:

Committee Room,  
Austin, Texas,  
May 2, 1941.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: We, your Committee on Fi-  
nance, to whom was referred

S. B. No. 448, A bill to be entitled  
"An Act fixing and determining a  
method per capita appropriations for  
educational institutions of higher  
learning, and declaring the policy  
thereof; prescribing certain rules and  
regulations to be followed in deter-  
mining said appropriations; etc.; and  
declaring an emergency."

Have had the same under considera-  
tion, and I am instructed to report it

back to the Senate with the recommendation that it do pass, as amended, and be printed.

AIKIN, Chairman.

Austin, Texas,  
May 2, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 272, A bill to be entitled "An Act making appropriations for educational institutions of higher learning and declaring the policy thereof; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings, and improvements of the several State institutions of higher learning for the two fiscal years, beginning September 1, 1941, and ending August 31, 1943, both dates inclusive; and for certain other educational agencies of the State; prescribing certain restrictions concerning the expenditures of said appropriations; containing a saving clause; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Senator Ramsey submitted the following reports:

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 897, A bill to be entitled "An Act authorizing the commissioners' court in certain counties to allow each county commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as county commissioner; providing for the payment of the same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 712, A bill to be entitled "An Act providing for a more adequate and equitable salary for constable and justice of peace in all counties in this State having a population of not less than twenty-five thousand, five hundred (25,500) and not more than twenty-six thousand, two hundred (26,200), and containing a city having a population of not less than fourteen thousand (14,000) and not more than fourteen thousand, five hundred (14,500), according to the last preceding Federal census, in which is located a military camp; providing manner in which same shall be paid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 548, A bill to be entitled "An Act authorizing the commissioners' court in certain counties to allow each county commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as county commissioner; providing for the payment of the same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senator Kelley submitted the following reports:

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 620, A bill to be entitled "An Act amending Section 2 of

Chapter 5, Acts, Second Called Session of the Forty-third Legislature, as amended by Chapter 459, Acts, Second Called Session of the Forty-fourth Legislature; and declaring an emergency."

Have had the same under consideration and I am directed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 928, A bill to be entitled "An Act amending Section 4, of Chapter 290, Acts of the Forty-first Legislature, as amended by Section 1, Chapter 130, Acts of the Forty-fifth Legislature, so as to provide for a separate board of trustees for all municipal colleges in the State of Texas, organized prior to the year 1923, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

#### Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives.  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 989, A bill to be entitled "An Act regulating the employment and compensation of deputies, assistants or clerks to district, county or precinct officers in all counties having a population according to the last Federal census of not less than 135,000 nor more than 190,000 inhabitants; repealing all laws and parts of laws in conflict; and declaring an emergency."

H. C. R. No. 104, Memorializing and requesting Congress of the United

States to amend the present Agricultural Adjustment Act and/or the Soil Conservation and Domestic Allotment Act to provide certain things for the national farm program.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Senate Bill 454 on First Reading

Senator Kelley moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

#### Absent—Excused

Cotten	Spears
Hill	Sulak

The following bill then was introduced, read first time and referred to the Committee on Oil, Gas and Conservation:

By Senator Kelley:

S. B. No. 454, A bill to be entitled "An Act extending oil and gas mineral leases granted by the State on areas covered by the coastal waters of the State or within the Gulf of Mexico in cases in which the War Department refuses to grant permits to the lessee or owner of the lease to drill thereon, providing for annual applications by the lessee to the War Department for permits, providing for the payment of rentals during the extended term of the lease, providing that if a permit is granted during the extended term of the lease the lease will continue in force thereafter if the lessee commences operations within sixty (60) days after obtaining a permit and so long as the lessee shall continue drilling operations or if oil is discovered so long as oil, gas or other mineral is

produced, providing that the lease may be continued by operations if commenced within thirty (30) days after the cessation of production during the primary term, authorizing the commissioner of the general land office to issue to the lessee such instrument in writing in the nature of an extension of the lease as may be necessary or proper to carry into effect the provisions of this Act, repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

#### Senate Concurrent Resolution 47

Senator Brownlee offered the following resolution:

S. C. R. No. 47, Authorizing lease of certain State land to City of Austin.

Whereas, The State Board of Control, acting under authority vested in it by the Legislature of the State of Texas, did on January 1, 1932, enter into a lease contract with the City of Austin, leasing to the City of Austin for the term of ten (10) years a tract of land hereinafter described, together with other lands, to be used by the City of Austin for a municipal park and playground; and

Whereas, The said lease by its terms will expire on December 31, 1941; and

Whereas, It was originally intended that a State fish hatchery be located on the property hereinafter described, and such property was found unsuitable for that purpose; and

Whereas, The City of Austin, together with the wild life service of the Federal government, has provided a fish hatchery on a tract of about thirty (30) acres of land on the north side of the Colorado river within the limits of the City of Austin, making the construction of a fish hatchery by the State of Texas in this vicinity unnecessary; and

Whereas, The City of Austin contemplates the construction on the hereinafter described property of a casting pool to be devoted to a public use for the amusement, training and development of anglers and fishermen, in conjunction with the general development of the Colorado

river lake region; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the State Board of Control be and it is hereby authorized, in consideration of the benefits accruing to the State of Texas from the improvement of such property by the City of Austin and the protection of it from waste, to execute to the City of Austin an extension of the lease above mentioned for a period of twenty (20) years from January 1, 1942, insofar as the same covers the 6.46 acres of land out of the Isaac Decker league in Travis County, Texas, as surveyed by the State of Texas and the City of Austin, commonly known as the "State fish hatchery tract" and described by metes and bounds as follows:

Beginning at the most southerly corner of that 6.46 acre tract which was conveyed to the State of Texas by Joseph A. Nagle, in accordance with a deed recorded in Travis County deed records, volume 58, page 276;

Thence N. 30° E. 743 feet to an iron stake;

Thence N. 8° W. 350 feet to an iron stake;

Thence S. 64° 5' W. 160.4 feet to the west line of the Isaac Decker league;

Thence with the league line S. 30° W. 893 feet to the most westerly corner of a 19½ acre tract, which is described in a deed recorded in Travis County deed records, volume 51, page 567;

Thence S. 60° E. 311 feet to the place of beginning, said tract containing six and forty-six-hundredths (6.46) acres, more or less.

Such extension shall provide that such property may be used by the City of Austin during the term thereof for a municipal park and playground and as a site for the casting pool above mentioned; and as part of the consideration for such extension the same shall provide that the improvements placed thereon shall become the property of the State of Texas at the termination of the period of extension.

The resolution was read and was referred to the Committee on Civil Jurisprudence.

## Messages from the Governor

The President laid before the Senate and had read the following messages from the Governor:

Austin, Texas,  
May 5, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To Be Life Insurance Commissioner and Chairman of the Board of Insurance Commissioners to fill the unexpired term of Walter Woodward, deceased, term to expire February 10, 1945:

O. P. Lockhart of Austin, Travis County.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
May 5, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To Be Members of the Board of Regents of Texas State College for Women for six year terms expiring January 10th, 1947:

Mrs. Edwin T. Phillips of Fort Worth, Tarrant County.

George Barron of Yoakum, DeWitt County.

S. B. Whittenburg, Amarillo, Potter County.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
May 5, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To Be a Member of the Livestock Sanitary Commission for a six year term expiring May 4, 1947:

Tom M. Lasater of Falfurrias, Brooks County.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

The messages were referred to the Committee on Nominations of the Governor.

## Signing of Bills and Resolution

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

S. B. No. 11, A bill to be entitled "An Act providing for the licensing of certain insurance agents, providing for two classes of insurance agents; defining the two classes of insurance agents; defining 'local recording agents,' defining 'solicitor' providing the manner in which a local recording agent shall make application to the Board of Insurance Commissioners for a license to operate, etc."

H. B. No. 498, A bill to be entitled "An Act declaring it unlawful for any person to kill, take or have in his possession for barter or sale after the passage of this Act, for a period of five (5) years, any wild fox or the pelts thereof in the County of Bastrop, State of Texas, and providing a penalty therefor."

H. B. No. 540, A bill to be entitled "An Act providing for the sale and transfer by the Texas Prison Board of certain land in the City of Huntsville, Walker County, to United Gas Corporation, in exchange for a tract of land in Huntsville, Walker County, to be conveyed by United Gas Corporation to the Texas Prison Board; authorizing and empowering the Texas Prison Board to make the exchange of said properties and authorizing the chairman or vice-chairman to execute a deed of conveyance to be attested by the Board's secretary; and declaring an emergency."

H. B. No. 577, A bill to be entitled "An Act prescribing additional duties for county auditors in all counties having not less than forty-one thousand, six hundred and eighty (41,680) inhabitants and not more than forty-two thousand, one hundred (42,100) inhabitants, according to the last preceding Federal census; fixing the salaries of such county auditors; providing mode and manner of payment thereof; repealing all laws in conflict therewith; and declaring an emergency."

H. B. No. 726, A bill to be entitled "An Act creating a special road law for Hardeman County, Texas, providing that said county may fund or refund the indebtedness outstanding in its road and bridge fund as of February 1, 1941, by the issuance

of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, time warrants or funding warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; providing for sufficient tax levy; validating all acts of the commissioners' court and of the county officials of said county, in issuing said scrip or warrants; validating said scrip or warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said county when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

H. B. No. 729, A bill to be entitled "An Act authorizing eligible cities and towns as defined herein to issue refunding bonds; prescribing the method of their issuance; providing the methods of securing and paying such bonds; enacting other provisions relating to the subject; making this Act cumulative of other laws; providing that it shall take precedence over other laws general or special, in conflict or inconsistent herewith; and declaring an emergency."

H. B. No. 736, A bill to be entitled "An Act prescribing the duties of the county treasurer in certain counties, and providing for his compensation."

H. B. No. 744, A bill to be entitled "An Act authorizing the commissioners' court in all counties having a population of not less than five thousand, five hundred (5,500) and not more than five thousand, five hundred seventy-five (5,575), and in counties having a population of not less than two thousand, eight hundred twenty-five (2,825), and not more than two thousand, nine hundred (2,900), according to the last preceding Federal census, to allow each county commissioner and county judge certain traveling expenses while traveling on official business; and declaring an emergency."

H. B. No. 798, A bill to be entitled "An Act authorizing the commissioners' court in all counties having a population of not less than fifty-one thousand, three hundred and four (51,304) nor more than fifty-one thousand, four hundred and four (51,404), according to the last pre-

ceding 1940 Federal Census, to allow each county commissioner certain traveling expenses while traveling on official business; and declaring an emergency."

H. B. No. 799, A bill to be entitled "An Act authorizing the commissioners' court in all counties having a population of not less than fifty-one thousand, three hundred and four (51,304) and not more than fifty-one thousand, four hundred and four (51,404), according to the last preceding 1940 Federal census, to authorize the commissioners' court to purchase pick-up trucks to be used by the county commissioners in the discharge of their official business; and declaring an emergency."

H. B. No. 801, A bill to be entitled "An Act to amend Section 1 of Chapter 90, page 194, Special Laws, Forty-second Legislature, Regular Session, 1931, as amended by Chapter 33, page 41, Special Laws, Forty-third Legislature, Regular Session, 1933, so as to remove Comanche County from the provision of said law; and declaring an emergency."

H. B. No. 823, A bill to be entitled "An Act amending Chapter 6, Acts of the Thirty-sixth Legislature, First Called Session, to provide that county attorneys of the Sixth Judicial District of Texas, composed of Fannin and Lamar Counties, may each employ a stenographer, by and with the consent of the commissioners' court of his respective county, with a salary payable from county funds as fixed by order of the court; and declaring an emergency."

H. B. No. 843, A bill to be entitled "An Act declaring all of the area inundated by the waters of Lake Corpus Christi to be a wild-life sanctuary; prohibiting the carrying of firearms thereon; providing a penalty for violation of this Act; repealing conflicting laws; and declaring an emergency."

H. B. No. 865, A bill to be entitled "An Act to amend Section 1 of H. B. No. 556, Chapter 59, Acts of the Regular Session of the Forty-fourth Legislature, page 145, so as to change the time of holding the terms of the District Court in the 86th Judicial District composed of Van Zandt, Kaufman and Rockwall Counties; and prescribing the effective date of this Act."

H. B. No. 868, A bill to be entitled "An Act authorizing the commission-

ers' court in any county having a population of not less than twenty-seven thousand fifty-nine (27,059), and not more than twenty-seven thousand one hundred fifty (27,150), according to the last preceding Federal census, to allow each county commissioner certain expenses for traveling, providing for the purchase of automobiles by the county for the use of the county commissioners on official business, providing for the method of purchase; and declaring an emergency."

H. B. No. 869, A bill to be entitled "An Act authorizing the commissioners' court of any county having a population of not less than twenty thousand and fifty (20,050) and not more than twenty thousand, one hundred and fifty (20,150), according to the last preceding Federal census, to allow each county commissioner certain expenses for traveling in connection with the use of his automobile on official business; requiring each such commissioner to pay the expense of operation and repair of such automobile so used by him without further expense to the county; and declaring an emergency."

H. B. No. 881, A bill to be entitled "An Act providing for the allowance of expenditures for office and traveling expenses of the county superintendent of public instruction in certain counties to apply both when such counties have a school superintendent and when the county judge is the ex officio county superintendent; repealing all laws or parts of laws in conflict; and declaring an emergency."

H. C. R. No. 95, Commending certain people for lending their aid in creating a greater demand for the use of cotton and urging others to lend their support of this work.

(Senator Weinert in the Chair.)

#### Message from the Governor

A messenger from the Governor was announced by the Doorkeeper, and recognized by the Presiding Officer to present two messages from the Governor, submitting nominations for confirmation by the Senate.

#### House Concurrent Resolution 103

Senator Brownlee moved that H. C. R. No. 103, providing for a joint session of the Legislature on Wednesday, May 7, 1941, to hear addresses

by certain women of Texas, be withdrawn from the Committee on Highways and Motor Traffic, and referred to and considered immediately in the Committee of the Whole Senate.

Senator Van Zandt moved as a substitute that the resolution be withdrawn from the Committee on Highways and Motor Traffic and taken up by the Senate for consideration at this time.

Senator Brownlee stated that the substitute motion was acceptable to him.

The substitute motion prevailed unanimously.

The Presiding Officer laid the resolution before the Senate, and it was adopted.

#### Messages from the Governor

The Presiding Officer laid before the Senate and had read the following messages from the Governor:

Austin, Texas,  
May 5, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Texas Prison Board for six year terms expiring February 2, 1947:

Wm. George Gilks of Dallas, Dallas County;

Riley Wyatt of San Antonio, Bexar County;

W. O. Yarborough of Corpus Christi, Nueces County.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
May 5, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Board of Directors of State Teachers Colleges, for six year terms expiring January 10, 1947:

R. L. Thomas of Dallas, Dallas County;

Oveta Culp Hooby of Houston, Harris County;

Melvin C. Eidson of Luling, Caldwell County.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

The messages were referred to the Committee on Nominations of the Governor.

#### Committee Substitute Senate Bill 33 on Second Reading

The Presiding Officer laid before the Senate as a special order, the hour for the consideration of which had arrived (on its second reading and passage to engrossment):

C.S.S.B. No. 33, A bill to be entitled "An Act amending Article 6008 of the Revised Civil Statutes of Texas, as amended by Chapter 120, Acts of the Forty-fourth Legislature, Regular Session, providing for the use of sweet and other natural gas under certain conditions for the manufacture of carbon black; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

#### Senate Resolution 123

Senator York, by unanimous consent, offered the following resolution:

Whereas, There is present at the Bar of the Senate of the State of Texas at this time the Honorable Albert Stone of Brenham, Texas; now, therefore, be it

Resolved, That he be extended the privileges of the floor of the Senate of Texas at this time.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

#### House Bill on First Reading

H. B. No. 989, previously received from the House, was laid before the Senate, read first time and referred to the Committee on Counties and County Boundaries.

#### Reports of Standing Committees

Senator Beck, by unanimous consent, submitted at this time the following report.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 520, A bill to be entitled "An Act providing that in counties having not less than thirty-eight thousand (38,000) nor more than thirty-eight thousand, three hundred and twenty-five (38,325) population, and in counties having not less than twelve thousand, four hundred and twenty-five (12,425) nor more than twelve thousand, four hundred and seventy-five (12,475) population, and in counties having not less than ten thousand, eight hundred (10,800) nor more than ten thousand, nine hundred (10,900) population, and in counties having not less than forty-seven thousand, seven hundred and fifty (47,750) nor more than fifty thousand, two hundred (50,200) population, and in counties having not less than twenty-two thousand (22,000) nor more than twenty-three thousand (23,000) population, and in counties having not less than twelve thousand, three hundred and twenty-five (12,325) nor more than twelve thousand four hundred (12,400) population, and in counties having not less than eighteen thousand, three hundred and fifty (18,350) nor more than eighteen thousand eight hundred (18,800) population, and in counties having not less than twenty-eight thousand, nine hundred (28,900) nor more than twenty-nine thousand, two hundred and forty-five (29,245) population, and in counties having not less than twenty-five thousand, six hundred and eight (25,608) nor more than twenty-five thousand, eight hundred and ninety-five (25,895) population, and in counties having not less than twenty-four thousand, nine hundred and ten (24,910) nor more than twenty-five thousand, three hundred and fifty (25,350) population, according to the last Federal Census, a candidate in a primary election of such counties for State Representative in the Legislature shall not have his name placed on the ballot unless and until he has paid to the County Ex-

ecutive Committee of his county a sum to be fixed not in excess of Fifty (\$50.00) Dollars; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BECK, Vice Chairman.

Senator Weinert, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 813, A bill to be entitled "An Act validating the incorporation of the City of Uvalde, a city having a population in excess of five thousand (5,000) heretofore operating in good faith under a charter adopted September 18, 1934, in accordance with Chapter 13, Title 28 of the Revised Civil Statutes of Texas, 1925; etc.; and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 822, A bill to be entitled "An Act to amend Subdivision 70, of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, so as to change the time and terms of holding the terms of District Court in Martin, Howard, Midland, Ector and Glasscock Counties, constituting the Seventieth Judicial District of Texas; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 860, A bill to be entitled "An Act prescribing the method for the annexation of unoccupied territory contiguous and adjacent to the city limits of certain incorporated cities or towns, on petition of the owners of all such territory; providing for the recording of such petitions; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Senator Ramsey, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 397, A bill to be entitled "An Act validating the order of the Commissioners' Court of Bowie County, Texas, which required the county tax assessor and collector to accept in full payment of all county taxes delinquent for the years 1932 and 1933, and due in 1934, the sum of fifty (50c) cents on the dollar; and instructing the State Comptroller to abide by the order of the said commissioners' court; and declaring an emergency."

Have had the same under consideration, and we desire to report it back to the Senate with the recommendation that it do pass and not be printed.

RAMSEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 858, A bill to be entitled "An Act operative only in counties of five hundred and twenty-five thou-

sand (525,000) population or more according to the latest Federal Census; authorizing cities and towns that have issued bonds, warrants, notes, or other obligations payable from revenues of the water systems, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 910, A bill to be entitled "An Act to amend S. B. No. 280, Chapter 166 of the Acts of the Regular Session of the Forty-fourth Legislature, so that the same shall read and provide as hereafter shown, that is as the same now reads, and by adding a new Section thereto fixing the authority and duties, in certain enumerated cases, of assessors and collectors of taxes in counties having a population of more than five hundred thousand (500,000) inhabitants . . . etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with amendments and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 863, A bill to be entitled "An Act declaring the location of feed pens for certain livestock or slaughter pens within five hundred (500) feet of a cemetery is a nuisance in certain counties; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 960, A bill to be entitled "An Act authorizing the commissioners' court in all counties having a population of not less than thirty-eight thousand (38,000) and not more than thirty-eight thousand, three hundred and twenty-five (38,325), according to the last preceding Federal Census, to allow each county commissioner certain traveling expenses while traveling on official business; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 807, A bill to be entitled "An Act amending Article 3930 of the Revised Civil Statutes of Texas of 1925, relating to certain services and fees of the county clerks of this State, so that, by this amendment of said Article 3930, the services which such clerks are required to render will be more clearly set forth; and providing that after this Act takes effect the county clerks of this State shall charge and collect lien or chattel mortgage deposited with them; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 666, A bill to be entitled "An Act repealing Section 3 of Chap-

ter 24, Acts of the First Called Session of the Forty-fifth Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 832, A bill to be entitled "An Act amending Article 2370, Revised Civil Statutes of Texas, 1925, by providing that the commissioners' court of any county may, when necessary, furnish suitable quarters, other than the courthouse, for holding court and carrying on other public business and may rent such part of any such quarters not necessary for public use; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 840, A bill to be entitled "An Act providing for the establishment, erection, equipping, operation, and maintenance of hospitals by certain counties and cities, for the levying of a direct tax therefor, and for the issuance and payment of bonds for such purposes; further providing for the leasing of such hospital; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 298, A bill to be entitled "An Act prescribing additional powers and duties of the commissioners' court in counties having a population of not less than ten thousand, three hundred and thirty-nine (10,339) and not more than ten thousand, five hundred and forty (10,540), according to the latest Federal Census; making provision for holding an election in each such county to determine whether a maintenance tax shall be levied against all property in such county for the support of public schools therein; . . . etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senator Shivers by unanimous consent, submitted at this time the following reports:

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred

H. B. No. 718, A bill to be entitled "An Act to be known as Article 7930-3, Revised Civil Statutes of Texas, 1925, and being an amendment to Chapter 4, Title 128, Revised Civil Statutes of Texas, 1925, and providing a method for the exclusion of lands and for elections upon the question of exclusion of lands from fresh water supply districts created under chapter 4, title 128, which fresh water supply district is situated entirely within any one county in this State, and which fresh water supply district at the time of its creation did not include within its boundaries any land which was then within the corporate limits of any city or town, where the lands to be excluded have theretofore been annexed to a city or town having

a population of more than four thousand (4,000) and which city or town has not adopted a home rule charter and which city or town provides as one of its functions the same services authorized by law to be provided by such water district, and providing for the alteration of the boundaries of such district so as to exclude the lands, but such election and such exclusion not to affect the liability of such excluded property for its just portion of any indebtedness of such fresh water supply district, and providing for an apportionment of indebtedness and for the collection thereof; and declaring an emergency."

Have had the same under consideration, and are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred

S. B. No. 452, A bill to be entitled "An Act granting fresh water supply districts heretofore or hereafter created in counties having a population of not less than three hundred ninety thousand (390,000) inhabitants, according to the last preceding or any future Federal census, additional powers relating to sanitary sewer systems, fire fighting facilities and equipment, the paying of rewards in connection with convictions on charges of arson, and providing for the manner of paying for the improvements therein authorized; authorizing such districts to contract with nearby municipal corporations or other political subdivisions for fire protection and prescribing the terms and conditions and method of paying the consideration for said contracts; authorizing such districts to adopt and enforce reasonable rules and regulations relating to plumbing fixtures and facilities within such districts and to prescribe penalties for the breach thereof, and requiring the giving of notice of such rules, regulations and penalties; authorizing such districts to employ their own peace officers and prescribing the

duties thereof; authorizing such districts to issue revenue bonds payable from the revenue derived from the operation of the district's improvements and facilities and to issue combination tax and revenue bonds and prescribing the method of levying taxes and pledging revenues to the payment thereof and providing for the manner and method of issuing such revenue bonds and combination tax and revenue bonds; providing for conversion of water control and improvement districts heretofore or hereafter created into fresh water supply districts and prescribing the procedure for such conversion; providing that premiums on surety bonds required of district officials and employees may be paid by the district; requiring contracts for improvements herein authorized to be let on competitive bids; and providing that this Act shall be cumulative of all other existing laws and if any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid the remainder of the Act and the application of such provisions to other persons or circumstances shall not be affected thereby; and declaring an emergency."

Have had the same under consideration, and are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Senator Mauritz, by unanimous consent, submitted at this time the following report:

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

H. B. No. 819, A bill to be entitled "An Act providing for the transfer of title of certain lands to Refugio and Aransas Counties, said lands consisting of three (3) adjoining tracts lying under, along, and adjacent to a proposed causeway and approaches across Copano Bay in Refugio and Aransas Counties near the town of Bayside; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

#### Recess

On motion of Senator Ramsey, the Senate, at 12:00 o'clock m., took recess to 2:00 o'clock p. m. today.

#### Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

#### Reports of Standing Committees

Senator Aikin, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. R. No. 120.

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

By unanimous consent, Senator Kelley submitted at this time the following reports:

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 862, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas for current expenses, for support of public free schools, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We your Committee on Education, to whom was referred

H. B. No. 331, A bill to be entitled "An Act amending H. B. No. 1032 of the Regular Session of the Forty-sixth Legislature, Acts, 1939, Chapter 15, page 652, so as to exclude independent school districts and common school districts from the operation thereof; and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. C. R. No. 102, Requesting the Congress of the United States to speed the passage of S. B. No. 1313.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 958, A bill to be entitled "An Act conferring upon the board of directors of the Agricultural and Mechanical College of Texas the power of eminent domain to acquire land for the use of the college; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Senator Brownlee, by unanimous consent, submitted at this time the following reports:

Senate Chamber,  
Austin, Texas,  
April 29, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 337, A bill to be entitled "An Act to amend Chapter 18, Acts 1930, Forty-first Legislature, Fifth Called Session, by adding a new Section between Sections 3 and 4 thereof to be designated as 'Section 3a' and authorizing the State Highway Department to enter into reciprocal agreements with other states on registration rights and privileges to be extended to non-residents in the service of the United States Military or Naval forces; providing that this Act shall be cumulative of all laws on this subject, but in all cases of conflict the provisions of this Act shall prevail; and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Senate Chamber,  
Austin, Texas,  
April 29, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. C. R. No. 41, Authorizing the donation of certain materials of the State Highway Department.

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Senate Chamber,  
Austin, Texas,  
April 29, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 440, A bill to be entitled "An Act creating a Special Road Law for Burnet County, Texas; providing

that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 12th day of May, 1941; setting forth the method of said funding or refunding; validating all acts of the commissioners' court in issuing said scrip and time warrants; providing the General Laws of the State of Texas shall be applicable to Burnet County when not in conflict herewith; providing this Act shall be cumulative of all general and special laws not in conflict herewith; providing a saving clause; and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Senate Chamber,  
Austin, Texas,  
April 29, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 380, A bill to be entitled "An Act to amend Chapter 314, General Laws of the State of Texas, Forty-first Legislature, Regular Session as amended by Chapter 24 of the General Laws of the Second Called Session thereof, and as amended by Chapter 277 of the General Laws of the State of Texas, Regular Session, Forty-second Legislature, being Article 911b, Revised Civil Statutes of the State of Texas, 1925, so as to require the granting by the Railroad Commission of certificates of public convenience and necessity for the operation of motor vehicles for the transportation of property for compensation or hire over the public highways of this State between and serving cities, towns and villages which are connected by and served by the railroad involved in the application, and between cities, towns and villages located on or served by any railroad, . . . ; and declaring an emergency."

Have had the same under consideration, and beg leave to report it back with the recommendation that it do not pass, but that the committee substitute, as amended, do pass and be printed.

BROWNLEE, Chairman.

Senate Chamber,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 914, A bill to be entitled "An Act to amend an Act of the Forty-fourth Legislature, creating a Special Road Law for Childress County, Texas, being Chapter 435 of the General and Special Laws passed by the Forty-fourth Legislature at its Second Called Session in 1935, by adding thereto four new Sections authorizing Childress County to fund or refund indebtedness outstanding against its road and bridge fund as of April 10, 1941, including bonds, interest-bearing time warrants and scrip warrants, by the issuance of funding or refunding bonds, either or both; setting forth the method of operation; validating acts of the commissioners' court and of the county officials in authorizing, executing, and delivering said outstanding bonds and warrants; providing that this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; providing that in event any provision of this Act shall conflict with any other law of this State, either general or special, the provisions of this Act shall prevail insofar as applicable to said county; enacting provisions incident to and relating to the subject and purpose of this Act; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Senate Chamber,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 946, A bill to be entitled "An Act creating a Special Road Law for Crosby County, Texas, providing

that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of April 10, 1941, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, or time warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; validating all acts of the commissioners' court and of the county officials of said county in issuing said scrip or warrants; validating said scrip or warrants; providing that the general laws pertaining to roads and bridges shall be applicable to said county when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Senate Chamber,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 947, A bill to be entitled "An Act creating a Special Road Law for Yoakum County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 12th day of May, 1941; setting forth the method of funding or refunding; validating all acts of the commissioners' court in issuing said scrip and time warrants; validating said scrip and time warrants; providing that the General Laws of the State of Texas shall be applicable to Yoakum County when not in conflict herewith; providing this Act shall be cumulative of all general and special laws not in conflict herewith; providing a saving clause; and declaring an emergency."

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Senator Smith, by unanimous consent, submitted at this time the following report:

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred

H. B. No. 923, A bill to be entitled "An Act amending Article 3259 of the Revised Civil Statutes of Texas of 1925, as amended by Acts, 1939, Chapter 1, page 429, H. B. No. 539, relating to Waco State Home, by changing the maximum number of children that may be boarded, at any given time, to twenty (20) such children; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMITH, Chairman.

Senator Shivers, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred

S. B. No. 454, A bill to be entitled "An Act extending oil and gas mineral leases granted by the State on areas covered by the coastal waters of the State or within the Gulf of Mexico in cases in which the War Department refuses to grant permits to the lessee or owner of the lease to drill thereon, providing for annual applications by the lessee to the War Department for permits, providing for the payment of rentals during the extended term of the lease, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Senator Smith, by unanimous consent, submitted at this time the following report:

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred

H. B. No. 980, A bill to be entitled "An Act to amend Article 880 of the Penal Code of the State of Texas as amended by Chapter 47, page 1947, Section 1, Acts of the Second Called Session of the Forty-fifth Legislature; and declaring an emergency."

Have had the same under consideration, and am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Senator Ramsey by unanimous consent submitted at this time the following reports:

Committee Room,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 989, A bill to be entitled "An Act regulating the employment and compensation of deputies, assistants, or clerks to district, county, or precinct officers in all counties having a population, according to the last Federal Census, of not less than one hundred and thirty-five thousand (135,000) nor more than one hundred and ninety thousand (190,000) inhabitants; repealing all laws and parts of laws in conflict; and declaring an emergency."

Have had the same under consideration and are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 608, A bill to be entitled "An Act amending H. B. No. 438, Acts of the Regular Session, Forty-

sixth Legislature, 1939, by eliminating from the provisions thereof counties having a population of not less than seven thousand, seven hundred (7,700) and not more than seven thousand, eight hundred (7,800) according to the Federal census of 1930; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 609, A bill to be entitled "An Act amending S. B. No. 367, Acts of the Forty-sixth Legislature, Regular Session, 1939, by eliminating from the provisions thereof all counties having a population of not less than three thousand, three hundred (3,300) and not more than three thousand, four hundred (3,400) according to the Federal census of 1930; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 610, A bill to be entitled "An Act amending H. B. No. 193, Acts of the Regular Session, Forty-sixth Legislature, 1939, by eliminating from the provisions thereof counties having a population of not less than seven thousand, seven hundred (7,700) and not more than seven thousand, eight hundred (7,800) according to the Federal census of 1930; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senator Moore, by unanimous consent, submitted at this time the following reports:

Senate Chamber,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 495, A bill to be entitled "An Act granting permission to E. B. Rodriguez to bring suit against the State of Texas, and/or Highway Department, in a court of competent jurisdiction, in Frio County, Texas, for damages for personal injuries received by him while on duty in the employ of the Highway Department of the State of Texas, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with amendments and be not printed.

MCORE, Chairman.

Senate Chamber,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 92, Granting permission to Mrs. Mamie Scherrer and husband, Emil Scherrer, their heirs, executors, administrators, and assigns to bring suit against the State of Texas.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with amendment and be not printed.

MOORE, Chairman.

Senate Chamber,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 871, A bill to be entitled "An Act granting consent by the State of Texas to Walter Garrison, Burt C. Cromwell and his wife, Lucille Cromwell, their heirs, executors, and administrators, to file suit against the State of Texas, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report

it back to the Senate with the recommendation that it do pass with amendments and be not printed.

MOORE, Chairman.

#### Senate Bill 348 on Second Reading

On motion of Senator Beck and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 348 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 348, A bill to be entitled "An Act constituting the owner of any former prison land sold under Section 7, Chapter 67 of the Acts of 1930, Forty-first Legislature, the agent of the State for certain purposes; authorizing the owner of said land to sell or lease the minerals that may be thereon or therein; providing for and securing to the State of Texas its share of the proceeds thereof, etc."

The bill was read second time and was passed to engrossment.

#### Senate Bill 348 on Third Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 348 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent

Moore

Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Resolution 120

On motion of Senator Isbell and by unanimous consent, the regular order of business was suspended, to permit consideration of S. R. No. 120 at this time.

The President then laid before the Senate and had read:

S. R. No. 120, Relating to certain addition being made to bill providing for State Auditor.

The resolution was adopted.

#### House Bill 819 on Second Reading

On motion of Senator Mauritz and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 819 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 819, A bill to be entitled "An Act providing for the transfer of title of certain lands to Refugio and Aransas Counties, said land consisting of three adjoining tracts lying under, along and adjacent to a proposed causeway and approaches across Copano Bay in Refugio and Aransas Counties near the town of Bayside."

The bill was read second time.

Senator Mauritz offered the following amendment to the bill:

Amend H. B. No. 819 by adding at the end of Section 1 the following:

"Provided, however, that all the oil, gas and other minerals, except mud, shell and sand, are expressly reserved to the State School Fund; provided further that the State nor any lessee or lessees shall drill any well or wells on the herein granted premises, as long as same is used for a public highway; provided further that the State or such lessee or lessees may drill such well adjacent thereto, so as to drain any oil or gas or other mineral from under the herein granted lands." And amend the caption accordingly.

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 819 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 819

be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent

Moore

Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent

Moore

Absent—Excused

Cotten	Spears
Hill	Sulak

#### Senate Bill 337 on Second Reading

On motion of Senator Fain, and by unanimous consent the regular order of business was suspended, to permit consideration of S. B. No. 337 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 337, A bill to be entitled "An Act to amend Chapter 18, Acts 1930, Forty-first Legislature, Fifth Called Session, by adding a new Section between Sections 3 and 4 thereof to be designated as Section 3a and authorizing the State Highway Department to enter into reciprocal agreements with other States on registration rights and privileges to be extended to non-residents in the service of the United States Military or Naval forces; providing that this Act shall be cumulative of all laws on this subject, but in all cases of conflict the provisions of this Act shall prevail; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 337 on Third Reading

Senator Fain moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 337 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent

Moore

Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent

Moore

Absent—Excused

Cotten	Spears
Hill	Sulak

#### Message from the House

The Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 113, Authorizing the Board of Control to execute an extension of a lease to the City of Austin for a certain tract of land.

The House has refused to concur in Senate amendments to H. B. No. 364 and requests the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed on the part of the House: Alsup, Halsey, Lock, Mrs. Colson and Kersey.

The House has refused to concur in Senate amendments to H. B. No. 238 and requests the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed on the part of the House: Morse, Kersey, Morris, Gilmer and McAlister.

Respectfully submitted,

E. R. LINDSEY,  
Chief Clerk, House of Representatives.

#### Committee Substitute Senate Bill 33 on Passage to Engrossment

The Senate resumed consideration of the pending special order, same being C. S. S. B. No. 33, relating to use of natural gases for manufacture of carbon black, on its passage to engrossment.

Question—Shall the bill be passed to engrossment?

#### Senate Resolution 124

Senator Fain, by unanimous consent, offered the following resolution:

Whereas, Senator and Mrs. V. A. Collins of Livingston, Texas, are in the Halls of the Capitol; and

Whereas, Both Senator and Mrs. Collins are well-known and outstanding civic and political leaders; and

Whereas, Senator Collins, well known as "The Great Commoner of East Texas"; is a former member of this body, and is now a member of the Board of Regents of Texas Teachers' Colleges; and

Whereas, Senator Collins is the father of Carr Collins, and Hal Collins, who are distinguished Texans; now, therefore, be it

Resolved by the Senate of Texas, That Senator and Mrs. V. A. Collins be granted the privileges of the floor for this day.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

#### House Concurrent Resolution 109

The President laid before the Senate (the resolution having been received from the House today):

H. C. R. No. 109, Authorizing correction in enrolled copy of H. B. No. 247.

The resolution was read, and by unanimous consent, it was considered and adopted at this time.

#### Recess

On motion of Senator Weinert, the Senate, at 3:05 o'clock p. m. took recess until 10:00 o'clock a. m. tomorrow.

**In Memory of**  
**Hon. Clarence R. Wharton**

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Senator Moore offered the following resolution:

(Senate Resolution 122)

Whereas, Clarence R. Wharton of Houston passed away on May 1, 1941, after a life crowded with achievement in his chosen profession of the law and in his patriotic avocation, the field of Texas history; and

Whereas, In his passing Texas has lost one of the foremost advocates ever to grace her courtrooms and a native son who did more to bring knowledge of the glories of Texas history to her citizens than any other man; and

Whereas, Though he never sought public office, his influence in public affairs on public questions was often exerted with great effect because of his stature in the eyes of his fellow citizens; and

Whereas, He was ever ready to discharge in full his duty as a citizen in every project for the welfare of his community; and

Whereas, His memory will live in the splendid works of Texas history that came from his pen, in the decisions which record his outstanding success in important litigations, but above all in the hearts of his friends to whom his keen wit was a delight and his generous nature a source of comfort and joy; now, therefore, be it

Resolved, That the Senate of Texas mourns with his family, his professional associates, his community and the State at large, the passing of Clarence R. Wharton, a great lawyer, a great historian, a true Texas patriot, and a real friend; and, be it further

Resolved, That this resolution be spread on the Journal and that copies thereof be forwarded to his bereaved widow and children and to the firm with which he spent his professional life.

The resolution was read and was adopted unanimously.